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June 2009

Report No. 20

Final Report on the Battle of Cieneguilla

A Jicarilla Apache Victory Over the U.S. Dragoons, March 30, 1854

"...I found myself in a difficult position, and did the best I could. ...I submit my cause to your consideration, with the fullest confidence in that axiom, which has sustained me, throughout the whole of this controversy; that, sooner or later, 'Truth is omnipotent, and public justice certain.'"

—John W. Davidson, Court of Inquiry,
March 24, 1856

Cover Photo: Metal points from the Cieneguilla Battle Site.

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Final Report on the Battle of Cieneguilla

A Jicarilla Apache Victory Over the U.S. Dragoons March 30, 1854

by
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and
Skip Keith Miller

Abstract

On March 30, 1854, 60 Dragoons under the command of Lt. John Wynn Davidson encountered a group of Jicarilla Apache camped in the mountains near the northern New Mexico village of Cieneguilla. In the ensuing battle, 22 Dragoons were killed and 23 were wounded making this the most significant defeat of the United States military in the western U.S. at that time. This battle was largely responsible for launching a campaign against the Jicarilla Apache that lasted several years, and led to their eventual defeat and relocation to their present-day reservation. In the spring of 2000, an interagency team of archaeologists began searching for the remains of the battle. Over the next 5 years, numerous Jicarilla Apache and mid-19th century military diagnostic artifacts were recovered. The evidence confirms that the Cieneguilla battle site has been found. The archaeologists identified the access route the troops followed to the Apache camp, and recorded the Apache camp, battlegrounds, and the final retreat route where the majority of the soldiers fell. The archeological remains reveal the actual footprint of the battle, shedding new light on the battle tactics of both the military and Apache. This research provides an opportunity to compare the written accounts to the physical remains, and in essence re-open an 1856 court of inquiry that was convened to investigate the ill-fated affair.

Acknowledgements

It is with great pleasure that we bring this research on the Cieneguilla battle site to a close with publication of the final report. This project was made possible through the cooperation of a number of agencies, organizations, groups and individuals. Personnel conducting the field work included: archaeologists from the Carson National Forest, Lincoln National Forest, Bureau of Land Management, National Park Service, Jicarilla Apache Tribe, and University of Michigan; land surveyors from the Carson National Forest; and local volunteers. Funding was provided by the Forest Service and in part through a grant from the National Park Service, American Battlefield Protection Program. We would like to thank the Forest Service, Bureau of Land Management, and National Park Service for making their employees available. Much of the field work, research, and analysis was completed by volunteers from these agencies. Over the past 6 years, a number of reports and articles have been completed on the project (e.g. Eiselt 2005; Johnson 2003, 2006; Johnson and Adams 2005; Johnson, Adams, Ludwig, and Hawk, in press; Johnson, Adams and White 2002; Webb and Scott 2003, 2006). This document serves as the final comprehensive report.

The key members of the research team were Dave Johnson, Chris Adams, Larry Ludwig, Charlie Haecker, Bill Westbury, Gifford Velarde, Skip Miller, and Corky Hawk. Many long and memorable days were spent walking the hills, conducting research, preparing the reports, and deciphering old military records. This project would not have been possible without them. We also extend our thanks to the many other volunteers who contributed their time and expertise to the project. In particular, this work would not have been possible without the assistance of the Jicarilla Apache Nation, especially Lorene Willis and Adelaide Pais. Many others also participated in the project, and their dedication and support are greatly appreciated. These people offered their time and expertise in a variety of ways, from reviewing the research design, obtaining the necessary permits and permissions, assisting with the surveys, recording artifacts, conducting research, reviewing drafts, and hauling equipment. In particular we would like to acknowledge Paul Williams, Russ Nyland, John Ramsey, Rebina Velarde, Cameron Lee, Berndt Kuhn, Doug Scott, Dick Ford, Sunday Eiselt, Diane White, Jon Young, Bob Lawrence, Carrie Leven, Patricia Corral, Brian Shanks, Ginger Carter, Steve Okamoto, David Vargas, Carl Pacheco, Johnny Skelton, Armando Fernandez, Alan Lemley, Jan Biella, Richard Mermejo, David Eck, Sam Johnson, Amy Johnson, Roberta Zachery, Zack Kirby, Gordon Johnston, and Ron Gardener. The exceptional artifact illustrations in this report were drawn by Marilyn Jessmain. We would also like to thank Granada Television for their production that aired on Battlefield Detectives, in particular Tracy Maire, Heidi Shepherd, and Peter Doyle. If we have inadvertently left anyone off this list, we offer our sincere apologies. While all of these people were instrumental in completion of the research, any opinions, findings, conclusions, recommendations, or errors contained in this report are the responsibility of the authors.

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Introduction

On the evening of March 29, 1854, 60 men of the 1st Dragoons under the command of Lt. John W. Davidson left Cantonment Burgwin near Taos, New Mexico, to search for a group of Jicarilla Apache known to be in the vicinity of the Embudo Mountains near Picuris Pueblo. Lt. Davidson's instructions were to observe the Apache, and to avoid a confrontation (United States Government 1854aa). That night, the Dragoons arrived at the small village of Cieneguilla on the banks of the Rio Grande. Early the next morning, the soldiers left Cieneguilla following the old trail to Embudo. They soon turned off the trail to the east, riding into the steep mountains above the Rio Grande. They found the Jicarilla camped on a small ridge a few miles away (figures 1 and 2). Although it is unclear who fired first, a fight erupted, ending in a serious defeat for the Dragoons. Apache casualties are unknown; there may have been as few as 2 (United States Government 1854aa) or as many as 50 (United States Government 1856b). The troop casualties included 22 dead in the field and 23 wounded (United States Government 1854v), of which at least 1 died later from his wounds. This was the most significant defeat of the United States military in the western U.S. at that time, and the fourth most significant defeat of the U.S. military during all of the Western Indian wars. This battle was largely responsible for launching a campaign against the Jicarilla Apache that lasted several years and led to their eventual defeat and relocation to their present-day reservation.

The remains of the Battle of Cieneguilla are located on the Camino Real Ranger District of the Carson National Forest, with a small portion of the advance and retreat routes on Bureau of Land Management and New Mexico State land. Over the last 150 years, the location of the battle had largely been forgotten. Artifacts settled into the ground, vegetation grew, and no obvious signs of the battle remained. A few local historians were aware of the general location and some had even located artifacts (e.g. Boyer 1965), but until now the entire site had never been found.

Between the years 2000 and 2005, an interagency team of archaeologists under the direction of the Carson National Forest conducted surveys to locate and record the battle site. The initial work was designed to locate the site, define the approximate boundaries of the battle, and focus research on the areas that needed to be examined more closely during a more detailed investigation. Every ridge was examined within an area 2 miles across where the battle was presumed to have taken place. Numerous concentrations of military and Apache metal artifacts consistent with the remains of a battle were found, indicating the positions of the battle and Apache camp had been located. The initial reconnaissance was followed by intensive metal detector surveys in 2002 to map the site and gather detailed information. Further limited investigations were carried out between 2003 and 2005 to finalize the field work.

One of the goals of the research was to locate and record the footprint of the battle and accurately describe the artifacts in order to provide a description of the diagnostic military and Apache artifacts in New Mexico in the middle 19th century (Johnson, Adams, and White 2002). The archeological data would then be compared with historic records written accounts by Lt. Davidson and other soldiers who were in the engagement. Because of the importance of the battle, it was essential to accurately record and describe the site to provide a detailed look not only at the battle, but at the middle 19th century military and Indian battle tactics as well. This research would also serve as a final chapter to the court of inquiry that took place in 1856, as the exact location of the battle and position of the troops and Apache could now be examined.

This project was funded in part by the Carson National Forest and a grant from the National Park Service, American Battlefield Protection Program. Personnel conducting the field work included: archaeologists from the Carson National Forest, Lincoln National Forest, Bureau of Land

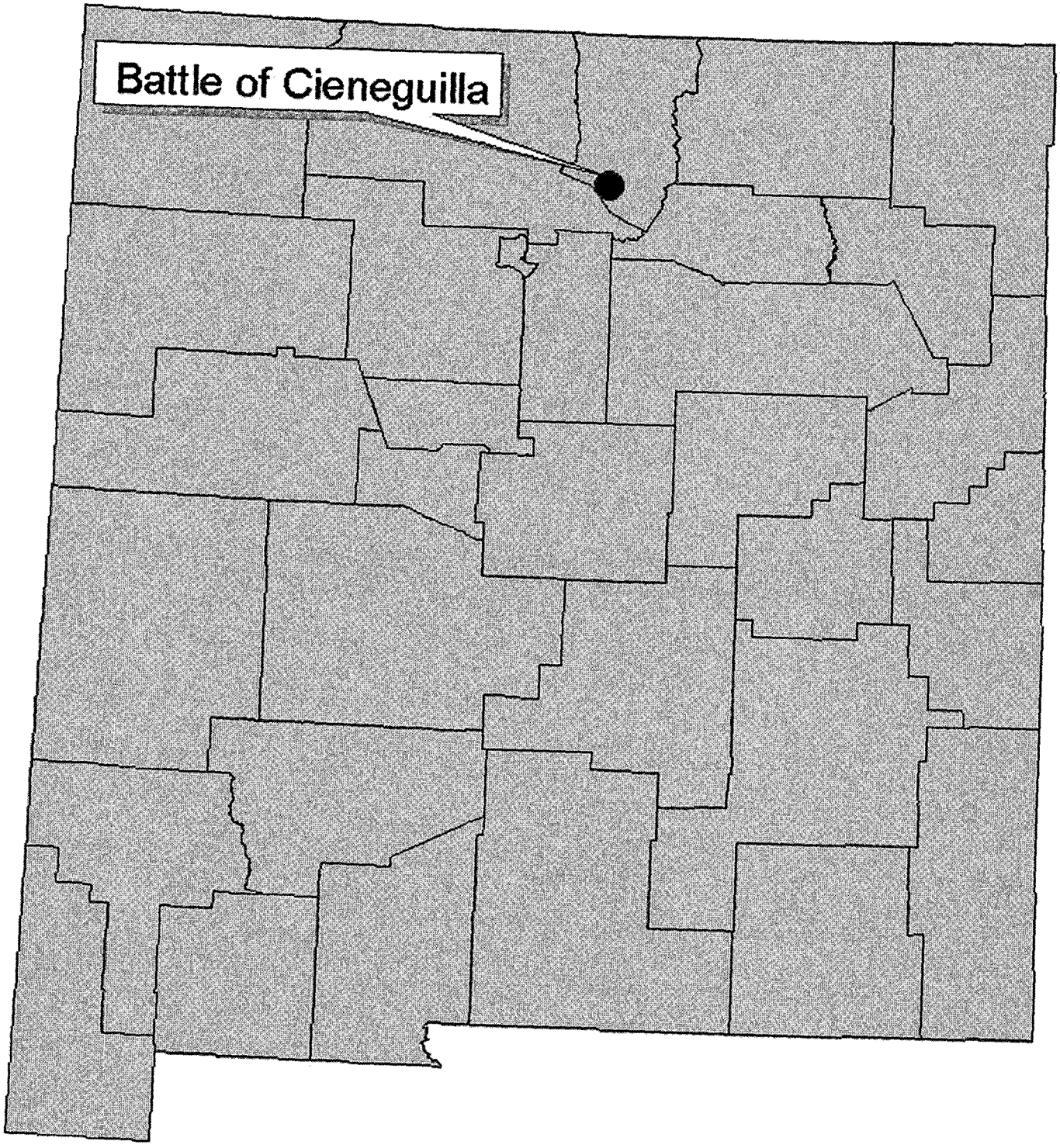

Figure 1. Battle location in Taos County, New Mexico

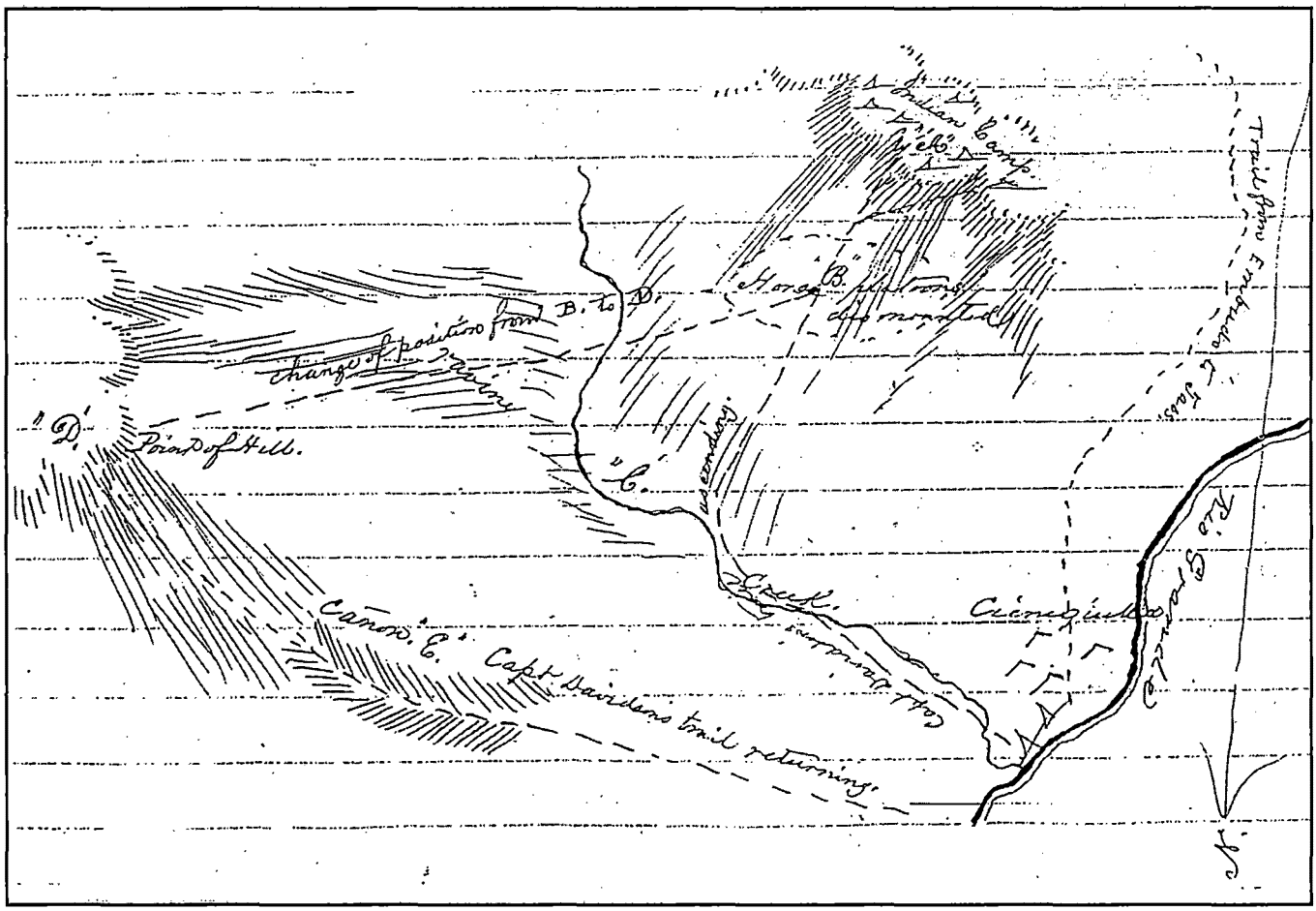

Figure 2. Sketch of battle from court of inquiry (United States Government 1856b)

Management, National Park Service, Jicarilla Apache Tribe, and University of Michigan; land surveyors from the Carson National Forest; and local volunteers. Much of the field work, research, and analysis was completed by volunteers from these agencies. Any opinions, findings and conclusions or recommendations expressed in this report, however, are those of the authors and do not necessarily reflect the views of the Departments of the Interior or Agriculture.

Records Search

Prior to the archeological survey, available publications, manuscripts, and files were examined for background information concerning the battle. The most useful records were the official report of the battle prepared by Lt. Davidson, the transcripts from a court of inquiry into the battle held 2 years after the incident, the diary of Pvt. Bennett who was in the fight, and numerous military letters written around the time of the battle. Previous archeological survey records and site files were also examined to determine what activities have taken place in the vicinity of the battle and what sites had been recorded.

The records search revealed that there were three archeological surveys conducted within 1 mile of the project area, all associated with the Carson National Forest's Warm Springs Timber Sale in the 1980s. These surveys located 12 archeological sites within 1 mile of the battle site. The largest survey was for the Warm Springs Timber Sale cutting units (Lawrence 1986). One thousand and twenty-five acres were intensively surveyed for timber sale activities. No evidence of the battle was found, although one cutting unit overlapped a portion of the battle site. This survey did not employ the use of metal detectors. Logging subsequently took place on a portion of the battle site, with cut stumps and skid trails still evident throughout the area.

A total of 20 archeological sites including the 12 near the project location were recorded during the Warm Springs Timber Sale surveys. Five of these sites were considered to be protohistoric Apache sites based on archival research and the presence of artifacts. It is likely that at least a portion of the other sites that contained micaceous pottery are Apache sites as well.

In addition to the 20 sites, 561 "peeled trees," or ponderosa pine trees showing evidence of intentional removal of the bark to get to the inner cambium layer, were also recorded. It has been documented that the cambium layer was used for a variety of purposes including use as a sweetener, medicine or even food, particularly by American Indians (Corral, 1996). Tree ring samples had been taken from 42 trees, and were dated by the laboratory of tree ring research at the University of Arizona. The dates ranged from 1777 to 1886, with two clusters of dates from 1827 to 1833, and the early 1850s to the early 1860s. Forty-seven percent of the dates were between 1827 and 1833. No peel dates prior to 1777 were located in spite of a number of trees that were old enough to have provided earlier dates. More than 70 percent of the dates were prior to 1854 (Maingi and Swetnam 1993, Corral 1996). These peeled trees were spread throughout the area and demonstrate a prolonged history of use of the area.

Although culturally modified trees in northern New Mexico are generally attributed to the Apache, recent research indicates that the Pueblo Indians and even Hispanic settlers in northern New Mexico also practiced this (Corral 1996) to some extent, and it cannot be said for certain who was responsible for the peeled trees in the Warm Springs area. However, it is known that the Apache were living in the vicinity of Ranchos de Taos and Picuris from the 18th century throughout the 19th century. It is possible that at least some of the peeled trees were a result of Apache use of the area since the late 18th century, 75 years prior to the battle.

Apache History

It is not certain when Apachean groups first entered the Southwest. The Jicarilla oral traditions say that they were always in the area. Archeological research indicates that they migrated into the area just prior to European contact. Historic accounts show that Apachean people were visiting and trading with the Taos, Picuris and Pecos Pueblos by the time of initial Spanish contact in 1540. Castaño de Sosa (1590-1591) and Oñate (1598) noted that near the fortified Pueblo of Picuris were numerous small huts that were used during the winter by "foreign" Indians—most likely the Jicarilla Apache (Schroeder 1979: 251). In the late 1620s and early 1630s, a group identified as Apache del Acho or Apache de Colorado were living in semi-permanent rancherías in the Taos-Questa area (Gunnerson 1974:78-79; citing Benevides).

The Apache have a long history of conflict in northern New Mexico. By the middle 17th century, violent Apache raiding against both pueblo and Hispanic communities were taking place. The intensified slave raiding by the Spanish specifically aimed at capturing Apache, as well as Ute, Comanche and Navajo people (Brooks 2002, Brugge 1999) may have played a role in the increased Apache hostilities. The pueblos frequently got caught in the fray as pueblo men were conscripted to accompany the Hispanic slaving parties—thus being perceived as the enemy by their former trade partners. Several years of extreme cold, droughts and subsequent famines also contributed to the unrest of the period. However, by August of 1680 numerous Apache and Navajo people had realigned themselves with the pueblos and joined forces in the expulsion of the Spanish from New Mexico in a campaign known as the Pueblo Revolt.

Freedom from Spanish rule was short lived, however, and with the reconquest of New Mexico in 1692, hostilities against the Spaniards resumed. During the early 18th century, the Apache often found themselves fighting against the Ute who were typically allied with their linguistic relations, the Comanche. In 1719, the combined forces of Ute and Comanche began intensified raids against New Mexico attacking pueblos, Jicarilla, Navajo and Hispanics alike. The same year Governor Valverde led a large party composed of 60 presidio officers, 45 Hispanic militia, 465 pueblo warriors and 165 Apache warriors in pursuit of the Ute and Comanche raiders (John 1996:244). He traveled for over 2 months and never caught sight of his enemy, despite finding numerous recently abandoned campsites with from 60 to 100 fires (John 1996:244).

Various Apache groups continued raiding, trading and living near Taos throughout the 18th and 19th centuries. In 1719 Governor Valverde described several Jicarilla Apache settlements east of Taos on the western plains near Cimarron composed of small adobe houses, sometimes even terraced, with irrigated agriculture (John 1996:245). Unfortunately, these settlements were vulnerable to the incessant raiding of the combined Ute and Comanche forces and the Faraones Apache. By the early 1730s, the Spanish had created a mission settlement for a band of Comanche-displaced Plains Jicarilla Apache in what is now Ranchos de Taos, approximately 12 miles northeast of the project area. Others, with Spanish assistance, settled near Pecos and Galisteo pueblos. By 1750, a fierce split developed between the Ute and Comanche and they were at war with each other (Thomas 1940:40, 117, 130). The Ute periodically allied with their former enemies, the Apache and Hispanics. Allegiances between tribes were in a constant state of flux as the Spanish and French, in their attempts at empire building in North America, enlisted the support of the various tribes to fight for them, by providing guns and other desirable trade goods as an incentive.

Throughout the remainder of the 18th century and well into the last quarter of the 19th century the Jicarilla Apache people camped and farmed seasonally, possibly in semipermanent rancherías, as far south as Abiquiu and to Coyote in the west, and in the numerous small valleys between Picuris and Taos and the crest of the Sangre de Cristo Mountains, especially the Pot Creek and Rio Grande del Ranchos watersheds and tributaries all the way into Ranchos de Taos (Girard 1986, 1988). Apache people had utilized the Moreno Valley as well, since the beginning of the historic period. For the greater part of the 18th and first half of the 19th centuries, the Jicarilla were closely allied with the Hispanics and pueblos for their mutual protection and welfare.

The Ute and Comanche raiding in the 18th century forced both Taos and Picuris to form a strong allegiance with the Spanish for their mutual protection and survival as the raiding intensified through the century. By the mid-1700s, many of the Hispanic and genízaro families in the valley had been forced to abandon their ranchos and were living within the fortified walls of Taos Pueblo. In 1779, the people of Las Trampas de Taos constructed their own protective walls surrounding the plaza and were thus able to safely withstand further Comanche attacks. During the years from 1719 to 1786, Taos provided refuge from Comanche raids for both Taos Pueblo people and the numerous Hispanic inhabitants of the valley. In fact, from 1770 to sometime in the early 1780s, all of the Hispanic settlers of the valley lived within the protective walls of Taos Pueblo.

Regardless of the open hostilities between the pueblos, Spanish, and nomadic tribes, every year in the fall a temporary truce was called, and all the various people would gather at Taos Pueblo for the annual trade fairs. The early Franciscan fathers incorporated the ancient custom of the trade fairs at Taos Pueblo into the Catholic feast day of San Geronimo (St. Jerome, celebrated on September 30th) and made him the patron saint of the pueblo. This Native American trading tradition and celebration dated back to prehistoric times. At these fairs, held usually just after harvest, the pueblos exchanged pottery, agricultural products (corn, beans, squash and chili), woven cotton goods, and turquoise with the Apache people, as well as nomadic plains and mountain tribes for beautifully processed animal hides, buffalo robes, jerked meat, tallow, salt and captives. The Spanish contributed horses, metal goods, trinkets and woolen goods. By the beginning of the 18th century, French trade goods, especially guns, powder, flint and shot, as well as English weapons and munitions were being exchanged in Taos by the Comanche who either got them directly or through other mounted nomadic tribes who were in contact with the English or French on the plains and along the Mississippi River corridor. What is extraordinary about the munitions trade is that New Mexicans were unable to obtain hardly any weapons out of Mexico (and those they could get they were forbidden by law to trade to Indians), but should a local Hispanic need a gun he could trade for it from the very enemy he most needed to protect himself against—the Comanche. By the middle of the 18th century, the Comanche had allied themselves with the Wichita and Pawnee and had direct and immediate access to French trade goods. This caused even more concern for the Spanish as they saw the possible loss of New Mexico to the Plains Indians/French as a threat to the Spanish silver mines to the south. New Mexico provided the buffer and, therefore, battleground between the French and Spanish in North America (Cunningham and Miller 1999).

In 1786, a lasting peace with the Comanche was established under the military leadership of Governor Juan Batista de Anza. The peace allowed New Mexico to fundamentally come out of hiding and begin the slow process of rebuilding and developing into a participating member of the Spanish Empire. With this important treaty, the Comanche became crucial allies of New Mexicans and by 1800 rarely came west of the Sangre de Cristo Mountains (except to get their yearly tribute from the governor in Santa Fe) and no longer participated in the Taos, Picuris or Pecos pueblo trade fairs. All of the trade fairs that had relied so heavily on the Comanche shifted from the pueblos to the Comanche rancherías on the plains, and independent groups of pueblo and Hispanic men now went east to do New Mexico's trading, resulting in the creation of the Comancheros. Not surprisingly, the Comanche—for the most part—remained allied to New Mexicans, but continued to pound Texas and northern Mexico until they were finally defeated and placed on reservations.

This period of relative stability in northern New Mexico also resulted in families from both southern New Mexico and Mexico moving into the area and a general increase in individual economic well-being. The Hispanic community of Don Fernando de Taos, like much of New Mexico at this time, began to prosper as the population increased. A census of the Taos Valley in 1789 listed 308 Hispanics and only 11 years later the number had more than doubled to 783, the same year Taos Pueblo consisted of 531 residents. More land was put into cultivation, and trade with the other provinces

of New Spain became safer. Many small new villages (like Arroyo Hondo, Valdez and Arroyo Seco) and churches were created as farmers slowly moved into areas that formerly had been far too dangerous to occupy during the period of Comanche dominance.

From early in the Spanish period, Indians had to grapple with the encroachment and confiscation of their lands by the Hispanic ranchers who began to settle the rich river valleys on land granted by the King of Spain. Because of the protection of Royal title, pueblo people were largely successful in protecting what was left of their traditional lands, but encroachments were a constant problem. At Picuris, not only was the land taken up by Hispanics, but several Hispanics began to live within Picuris Pueblo and as the Picuris numbers declined, they lost more of their own authority (Brown 1979:271). In 1795, land just north of the pueblo in the Warm Springs area was granted to the community of Cieneguilla. This grant was confirmed in 1872, but later dissolved during the Court of Private Land Claims hearings in 1895 (United States Government 1895). Throughout the remaining Spanish Period and ensuing Mexican and American Territorial Periods the Picuris struggled to maintain their land base and traditional lifeways despite ever diminishing tribal members and sovereignty. As a result, there certainly was conflict—and still is—but open warfare to dispossess the pueblos did not happen.

This was not true for the Jicarilla Apache. As discussed above, during the late 17th and early 18th centuries the Jicarilla lived east of the Sangre de Cristo Mountains. In 1720, they were a fairly numerous people who had a mixed economy. Some lived in semipermanent earthen villages and farmed at least part of the year (Thomas 1935:114). They also were fully mounted and hunted buffalo and other game on New Mexico's northeastern plains. They were allied with other Plains Apache groups as far north as central Colorado.

Decline of the Jicarilla began not with the Spanish but with the Comanche who began raiding the Jicarilla as early as 1700. By 1720, the Jicarilla east of Taos were requesting Spanish protection and assisting the Spanish in fighting their common enemy. Local Spanish authorities even recommended establishing a new Presidio for this purpose in the Cimarron-Rayado area. The request was deemed too costly and denied by Mexico City (Thomas 1935:43).

By about 1730 the Jicarilla had essentially been driven from their semipermanent villages east of the mountains. The Spanish, wanting the Jicarilla as allies against the Comanche and other raiders, and seeing an opportunity to create a "buffer" between them and their enemies (Rael-Galvez 2002:35-39), helped the Jicarilla resettle. One effort, mentioned above, was to give them land about 15 miles south of Taos Pueblo. While this formal "resettlement" probably did not last long, it apparently had some important impacts.

First, it increased contact among Spanish, pueblos and Jicarilla. The Apache must have realized that their survival depended on maintaining stable relations—both economic and political—with their Spanish neighbors. In this they were apparently successful, but not without inevitable friction between groups who did not trust or like each other.

Second, the protection provided by the loose alliance with the Spanish and pueblos enabled the Jicarilla to continue much of their traditional way of life. They did not assimilate with the Hispanic population as the pueblos did. They continued to hunt on the eastern side of the mountains and farm in parts of the Rio Grande Valley.

Finally, having Jicarilla and Hispanics using the same land for their economic base guaranteed competition that the Jicarilla could not hope to win. From 1730 to about 1800, this may not have been too important; both groups were still dependent on each other. But after the Comanche peace in the 1780s, the Hispanic population began a rapid expansion. This continued under Mexican rule, with added pressure from the now welcome Americans; where Spain had maintained an isolationist position with its northern provinces in New Spain, independent Mexico opened its boundaries and sanctioned open trade with the United States.

The Jicarilla and Cieneguilla Settlement

By the end of the 1700s, the Jicarilla farmed and hunted on both sides of the Sangre de Cristos. Their hunting grounds appear to have been in a large area east of Mora and Cimarron. One of their farming locations was along the Rio Grande from the present-day village of Velarde to Pilar, at that time known as Cieneguilla. They extensively used the well watered mountain valleys south of Taos and west of Mora. The Apache lived and hunted there, along old and well known trails, for at least part of the year.

In 1795 the Spanish governor agreed to a request by Hispanic settlers for what would become the Town of Cieneguilla Grant (United States Government: 1895). The grant included the irrigable land along the Rio Grande at Cieneguilla as well as much of the mountains to the east. While the Jicarilla had been seasonally farming at Cieneguilla well before the 1795 grant, apparently only the irrigable land was occupied, and that by only a small number of Hispanic families. As a result, there was probably local conflict about use of the available farmland next to the river.

In 1822 some of the Jicarilla under a leader named Espilin petitioned the Governor in Santa Fe for a grant of irrigable land at Cieneguilla, to allow them to live and farm alongside the Hispanic grantees. The petition was vigorously opposed by the Hispanics at the village itself and by citizens at Taos. In reply to the Governor, Taos officials stated:

> "That the Jicarilla nation has always been at peace with us cannot be denied and has rendered us some service, when as auxiliary forces they have joined us in campaign against our enemies, but it is not violent to affirm, that in the first, they acted from necessity, in consequence of being a persecuted tribe, timid, despicable and limited in force on account of their small numbers of warriors. In the second, they have been governed by their great desires of the spoils and other perquites [sic] they acquire." (United States Government:1895)

The Taos officials listed many instances in which the Jicarilla were claimed to have committed thefts and even murders in the vicinity. These, they claimed, supported "the just repugnance the people have, to having at this place such malicious and perverse residents." The Jicarillas' request was denied. The officials did not deny that the land once belonged to the Jicarilla, but claimed the Spaniards held title by right of conquest.

This incident shows the complex relations between the increasingly numerous Hispanic settlers and the Jicarilla. True, the Apache had been Spanish allies in earlier times, but by 1822 the Comanche threat had long since ended. The Jicarilla had long been a part of the peaceful trade network that benefited the Spanish economy. But it seems that by 1822 trade was often accompanied by thefts and raiding, particularly as the Hispanic population grew. This also shows that Hispanic settlers still distrusted the Jicarilla. Their reaction to the land request shows that, far from wanting them as neighbors, the Spanish residents probably found them an unwanted nuisance.

Finally, the 1822 request to officially be given agricultural land shows that the Jicarilla were feeling economic pressure. The lands they had traditionally farmed were being taken over by Hispanic settlers. Their hunting grounds on the eastern plains of New Mexico were getting crowded, not only with other tribes but also with Hispanic hunters and traders. With the eastern plains comparatively safe, growing numbers of Hispanic hunting parties competed with the Jicarilla for buffalo and other game. Whether they realized it or not, the Jicarilla were being squeezed out of their traditional territory. But they remained generally at peace.

As far as we know, there was no violent reaction to the denial of the request for agricultural land at Cieneguilla. The Jicarilla continued to use the surrounding area, and tree ring dates from the Warm Springs area, particularly a cluster of dates from 1827 to 1833, may provide evidence that the Apache remained in the immediate vicinity for some time. But this was about to change.

The Jicarilla and Americans

When New Mexico became part of the United States in 1846, hostilities with the Jicarilla had largely been minimal. This is because of the patterns of trade, other interaction, and interdependence with the numerous Hispanic villages near their traditional lands. But conflict was inevitable over the next few years as the Jicarilla found much of their hunting lands increasingly used by both Hispanic and American settlers. The rich grasslands east of the mountains were prime grazing land for livestock. More and more game was killed to feed the growing population of Hispanics and Americans. All this eroded the Jicarillas' economic base. And the Apache were few; their competitors were growing in numbers each year.

Thus, hostilities increased as the Jicarilla lost the free use of large parts of their traditional hunting, farming and gathering areas. Competition from and growing animosity on the part of Hispanics and Americans over the Indians' use of the dwindling natural resources of the area created serious tensions. Greater hardship for many of the previously peaceful Jicarilla forced some to raid and defend themselves or face starvation. The Jicarilla were composed of many separate bands with no central leadership. It was not possible in the 1840s and 1850s to know which bands remained peaceful at any particular time and which were involved in raiding, yet it is apparent that some of the Jicarilla Apache people struggled to survive while maintaining peaceful relations with their Hispanic and Anglo neighbors (Tiller 1983).

American policy toward the Jicarilla was never consistent. It was also a low priority for the territorial and national governments. One problem was the dual authority over Indian affairs. The Superintendent of Indian Affairs and local Indian Agents had civil authority and were responsible for management and care of the tribes. The military was responsible for insuring the safety of civilians and keeping the peace, by force if necessary. The quality of the persons entrusted with these duties varied.

Most Indian Agents were political appointees. Some knew nothing about the Indians under their jurisdiction. On the other hand, some were very knowledgeable. Some took their jobs seriously where others did not. Regardless of the competence or attitude of the Indian Agents, even they were subordinate to the local civil government. Too often the primary political motive of these officials was to open Indian lands for white settlement. This meant, of course, that the Indians had to go.

The same pattern occurred in the frontier military. Some officers serving in New Mexico were the best the frontier army produced. Many understood and had much sympathy for the Indians, including the Jicarilla. Others, however, had little experience on the frontier and were primarily concerned with advancing their careers.

A second problem was money. Regardless of how well intentioned or wise a policy might be proposed, there was never enough funding to carry it out. Congress rarely provided sufficient financial resources to New Mexico for the support and aid of Native people so necessary for maintaining peaceful relations; a situation that placed the Jicarilla, Ute, and other New Mexican non-pueblo tribes in an untenable position. An example is an 1851 treaty made with one band of Jicarilla under Chief Chacon. Chacon agreed to live peacefully and farm well west of the Rio Grande Valley settlements. But Congress did not ratify the treaty. The funds to provide provisions, education and annuities were never appropriated. After crop failures, the effort collapsed. Despite this forced and desperate situation, Chacon still professed a desire for peace (Bender 1959:33). Although most Jicarilla remained peaceful, raiding on the east side of the Sangre de Cristos increased. The same thing happened in 1853, when a similar treaty effort failed for lack of Federal support.

For the Jicarilla, another problem was their small numbers and the low opinion of them held by Hispanics and Americans. Charles Bent, first territorial governor, sent

a report to Washington in 1846 describing generally the Indians in the territory. He described the Jicarilla as having only about 400 persons, and as a lazy and cowardly people who roamed the region without any permanent settlements and who lived habitually by theft and barter of pottery (Gunnerson 1974:156; Tiller 1983:32). This was not the opinion of a newcomer to northern New Mexico. Since 1829, Bent had made his living trading with Indians. His business likely did not involve the Jicarilla, and he may have been reflecting the local view that this tribe was not to be trusted. Interestingly, Bent's view in 1846 did not vary much from that of the Taos officials in 1822.

The American Military

In addition to encroachment by settlers, the early 1850s saw the military establish three posts that almost surrounded the Jicarilla lands in the Sangre de Cristos. None of these was built specifically as a response to the Jicarilla, but they could not have been better placed to control them.

In 1847, troops were stationed in Taos. Their purpose was to deal with any repeat of the 1847 Taos Revolt, and as a secondary mission to prevent Indian depredations. The vast majority of those were by the Ute, not the Jicarilla. In 1849, a small force was also stationed at Rayado, just east over the mountains from Taos. This was to protect small settlements in the area, as well as ranchers who supplied beef to the army. The Jicarilla were indeed one of the tribes that created problems for the troops at Rayado.

In 1851, Fort Union was built on the Santa Fe Trail southwest of Mora. It was to be a very large post, the supply depot for the entire Department of New Mexico. Its operational mission was primarily to protect the Santa Fe Trail. This involved dealing with many often hostile tribes, the Jicarilla being of relatively minor importance.

Finally, in 1852 the Taos garrison was moved from Taos to a post of its own about 15 miles southeast. This was Cantonment Burgwin. Its troops continued to operate primarily against the Ute, then considered a much greater threat to Taos Valley and the area north of Taos. But they were occasionally used to pursue Jicarilla raiders. Perhaps unknowingly, Cantonment Burgwin was located only a few miles from the traditional trade and travel routes of the Jicarilla from the eastern plains to the Rio Grande Valley and the west.

With the establishment of these three posts, the Jicarilla must have known that their ability to travel freely in and use their traditional lands between the eastern plains and the Rio Grande was in grave jeopardy. This may have been one of the factors that led to the peace treaties of 1851 and 1853 which, unfortunately, were never implemented.

January through March 1854

All of the previous factors—shrinking territory, failed treaties, lack of funds, no coherent Indian Bureau policy, the desperate condition of the Indians, and civilian pressure on the military to clean out hostiles—were to set the stage for the Battle of Cieneguilla and the "Jicarilla War" of 1854.

In 1854 the military Department of New Mexico was commanded by Bvt. Brig. General John Garland. His headquarters was in Albuquerque.

Ft. Union and the U.S. 2nd Regiment of Dragoons was commanded by Lt. Col. Philip St. George Cooke. Cooke was the most capable and respected officer in the mounted service, if not in the entire U.S. Army at that time. He had experience in the southwest and with Indians, dating from 1829 (Young 1955). Cooke was the senior field officer in the territory, and Cantonment Burgwin fell within his area of command.

The garrison at Cantonment Burgwin, initially under the command of Lt. Robert Ransom, was relatively small. In November 1853, troops from Fort Massachusetts were transferred to Cantonment Burgwin for the winter, and their commander, Maj. George Blake, took command (Murphy 1973:12). At the start of 1854, the garrison at Cantonment Burgwin consisted of two companies of the 1st Dragoons. Each company, at various times, had 2 officers and about 45 mounted troopers.

Maj. Blake was not very popular among the men and eventually, the "continuous dissension against [Blake's] capricious and autocratic ways, accentuated by drinking on the post" (Murphy 1973:11-12) led his men to riot, for which Blake would be court martialled in June1856. Some of the initial charges against him at the court martial were apparently leveled by one of the Dragoon company commanders, Lt. John W. Davidson.

Lt. Davidson arrived at Cantonment Burgwin in August 1853 (Thrapp 1990, Davidson 1974), 7 months before the battle of Cieneguilla. By all accounts, Davidson was a very capable officer who ran things "by the book" and he likely considered himself experienced in Indian warfare. Davidson (figure 3), a graduate of West Point and son of an officer, had joined the 1st Dragoons in 1846. At the time, the Dragoons had been largely underutilized and there were only two regiments in the entire Army. Primarily used to provide protection to the Santa Fe Trail, the 1st Dragoons were under the command of Col. Stephen Kearney who was dedicated to demonstrating their effectiveness on horseback and on foot. Davidson took his position in the military seriously, and is reported to have adopted Kearney's method of training in his command (Davidson 1974: 24-25). Davidson went to California in 1846 where he served as a brevet 2nd Lt. in the Mexican War. He saw considerable action, and in one instance is reported to have lost all his men in an attempt to regain a mountain howitzer that had been taken by the Mexican Army (Davidson 1974: 45). He was promoted to 1st Lt. in 1848. While in California in 1850, Davidson was involved in several battles against Indians including a fight on the Russian River where 75 Indians were killed, and Clear Lake, where 60 Indians were killed, with no soldiers lost (Davidson 1974:59:60, Thrapp 1990:377).

Davidson was apparently popular with his troops, and had unquestioned courage under fire. As opposed to many frontier officers, he did not drink to excess. His dedication to discipline was apparently in contrast to Maj. Blake. In fact, it didn't take long for Lt. Davidson to find issue with the undisciplined Maj. Blake. Not long after arriving at Cantonment Burgwin, Davidson pressed charges against Blake "of a very grave nature" (United States Government 1854aa), but withdrew them just after the Battle of Cieneguilla, and prior to the court of inquiry.

The Cantonment Burgwin post returns show that in the first 2 months of 1854 all operations were against the Ute. These missions do not appear to have produced much contact with the Indians. By mid-March 1854, both companies were back at Cantonment Burgwin refitting for duty. Maj. Blake and both company commanders were present (Arrott n.d.).

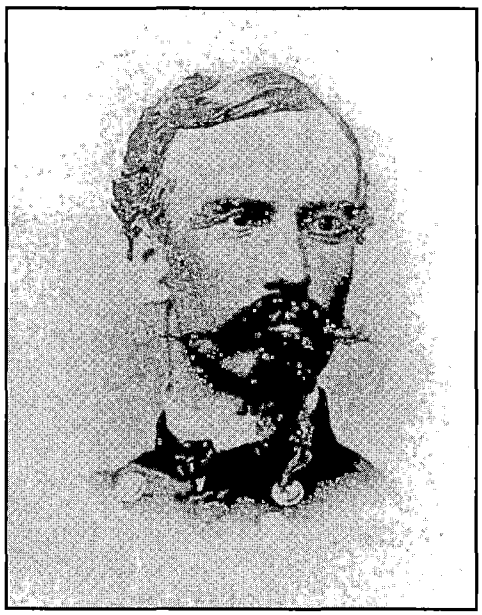

Figure 3. John Wynn Davidson
Photo courtesy of the Kern County Library, Beale Memorial Library Local History Collection, Image No Keg0033.

Concern with the Jicarilla near Ft. Union began in January 1854. On January 14, 1854, the governor of the territory sent a letter to Gen. Garland listing numerous complaints of Indian depredations against civilians. The problems allegedly were happening near the settlements of San Miguel and Las Vegas. Gen. Garland wrote back on January 18 that he would alert Col. Cooke at Ft. Union and Maj. Blake at Cantonment Burgwin. Garland, who probably received many civilian requests for military help that proved without merit, added the following:

> "Whilst on the subject of Indian depredations, I beg to call your Excellency's attention to the fact, generally known in New Mexico, that large armed parties of New Mexicans are in the habit of going into the Indian Country, or perhaps more properly speaking, their hunting grounds, where they kill off the very game upon which the Indians depend for subsistence. This will have the effect, of course, of forcing upon the Indians the necessity of either breaking up these hunting parties or of depredating upon the settlements, or worse than either, of starving to death.
>
> I have averted to this subject with the hope that your Excellency will devise some means by which this evil may be corrected." (United States Government 1854a)

Gen. Garland's orders to Cooke at Ft. Union were issued the same day, January 18. He directed Cooke to investigate the reports of murders near Las Vegas, missing livestock at San Miguel, and loss of civilian wagons near the Red [Canadian] River (United States Government 1854b). On January 26 Cooke reported to Gen. Garland the steps he had taken:

> "Lt. Maxwell goes this morning to San Miguel to make investigation into the alleged depredations, -which were never reported to me & to give the hunters, who were probably intruders on Indian lands, -notice to send for their carts to ascertain their distance, &c. I am informed that one of the New Mexican murderers of the white men, whose bodies were found has been apprehended." (United States Government 1854c)

Lt. Maxwell's investigation found that there had been no depredations committed by the Indians. Col. Cooke reported this to Gen. Garland on January 29, making the following conclusion:

> "It appears as a result of this investigation, that the complaints made to the Governor, had but little colour of truth. - That the priest [at San Miguel] had lost no sheep – that a very few animals of an abandoned herd had were eaten by the Indians, probably half starved; that the [Mexican]

hunting party were not at "Red River" but intruders near the Arkansas beyond the territory: - That the white men were murdered by New Mexicans who were not punished.

It would seem that white men and Indians are at present most in need of our protection.

I would respectfully recommend as a measure necessary to peace with the Indians & the safety of the mail parties & travelers, that the case of these particular hunters be judicially investigated on the charges of murder...." (United States Government 1854d)

Cooke's report shows he was completely aware of the many times civilians, both Hispanic and Americans, would blame Indians for any loss of stock or property. Cooke also probably knew that one common motive was to enable civilians to make claims against the government for property losses caused by their own carelessness. Another motive of both the settlers and the political authorities was to coax the military into either killing or removing all Indians from east of the mountains.

The above incident also shows Garland and Cooke were quite aware of the eagerness of locals to blame any losses on Indians, particularly the Apache, and were not about to start a war based on such falsehoods.

However, on February 12 Cooke received reliable reports that the Jicarilla had in fact been stealing stock about 60 miles from Ft. Union. On February 13, he ordered Lt. David Bell to find them:

"You will proceed without delay with thirty three men of your company to Red River, where I have information of a camp of Jicarilla Apaches and Eutaws, some of whom within three days committed depredations, robbing Mr. Waters [probably Watrous] of cattle and mistreating his herdsmen...

If you find these Indians in camp – or otherwise, your first duty will be to surround them, or cut off their retreat to broken ground: - then, - it appearing that they are a guilty party, - demand the surrender of the actual marauders: if they are delivered or pointed out, have them severely whipped, and take a pony as an indemnity to Mr. Waters: - if they make a plausible excuse, of their inability to surrender the depredators (and time, if necessary, may be given them whilst you keep the chief in your power) then seize horses or ponies double the amount in value of the stolen animals.

In case of resistance or insolence or of their being overtaken flying from your pursuit, attack them." (United States Government 1854e)

On this scout Lt. Bell found no Jicarilla and none of the stolen cattle (United States Government 1854f). Lt. Bell and his command returned to Ft. Union on February 20.

Apparently Cooke received more credible reports of Jicarilla trouble during the last week of February. Again he selected Lt. Bell to lead a command to protect the area. Cooke's orders to him dated March 1, 1854, state:

Repeated small disturbances, & insults to struggling citizens are reported - beside the robbery of Mr. Waters, which occasioned your last march, & which you did not succeed in settling with the Indians.

> Beside the general object of the scout to protect the frontier, you will endeavor to get in your power some important party of these Jicarillas or Utahs & will then compel them to surrender the depredators in Waters' case & any other instances of which you can obtain sufficient information: & have them whipped: & also require the delivery of an equivalent to the losses in ponies." (United States Government 1854g)

Lt. Bell left Ft. Union with about 30 Dragoons on March 2, to return on March 7. On March 5 Bell had encountered a party of Jicarilla led by Chief Lobo, the primary chief of one of the Apache bands. After a tense standoff and some discussion, during which Bell probably tried to carry out Cooke's orders, the approximately 30 Apache broke for cover. Firing broke out. Five Jicarilla, including Chief Lobo, and two Dragoons were killed. The Jicarilla escaped, and promptly ran off most of a large herd of Ft. Union's cattle that were pastured a few miles away.

Cooke's report of Bell's fight was sent to Gen. Garland on March 8. He was not happy that hostilities had occurred, but defended Lt. Bell's action. He also realized that Bell's fight was just the beginning of a lot of work for his few companies of Dragoons:

> "In his attack upon the Indians, which was in fact unavoidable, Lieut. Bell only obeyed his instructions, but with judgment and gallantry. If he could have mounted his whole company, instead of a platoon, his victory would have had more fruit, & he had probably made an end of what is a mere beginning." (United States Government 1854h)

Cooke also told Gen. Garland he had been informed that the guilty group of Jicarilla were "rather isolated and independent" from the rest of the tribe. But he concluded that groups of Jicarilla and Ute numbering about 300 warriors "are now, or speedily will be at open war with us." In an interesting twist, he also reported that the "Utahs" under chief Chico assisted the soldiers when they were attacked by the Apache (United States Government 1854h).

There was little rest for Lt. Bell and his Dragoons. On March 9, 2 days after returning from his fight with Lobo's group, Cooke again ordered him on a scout. He was to secure the remaining army cattle at Rayado, and then scout south on the Canadian looking for raiding Jicarilla (United States Government 1854i). However, on this scout Bell found no Apache. He and his troops returned to Ft. Union.

Up to this point the two companies of the 1st Dragoons stationed at Cantonment Burgwin had not been used by Cooke against the Jicarilla on the east side of the mountains. Those Dragoons had been chasing Ute. It was not until March 11 that Cooke even informed Maj. Blake at Cantonment Burgwin about his troops' encounters with the Jicarilla. After describing Lt. Bell's fight, Cooke added the following new information for Blake:

> "I have just learned, that two of these Apaches, have since been met, with two of their women, near Mora, taking your direction, so that it is probable that the mass of them have taken the same course, fearing perhaps near attacks on their old ground." (United States Government 1854j)

On March 12, Gen. Garland sent a letter to Cooke expressing satisfaction with the report of Lt. Bell's fight. He also told Cooke he was reinforcing Ft. Union with 60 additional Dragoons. Garland sent orders to Cantonment Burgwin directing Maj. Blake to cooperate with Cooke if needed. He offered Cooke a company of mountain howitzers under Bvt. Lt. Col. Brooks. He also gave Cooke a general view of how to deal with the Jicarilla:

> "It is important, at this time, not only to keep open the road by which the mails

area carried, but to press these Jicarilla marauders to the last extremity; it is not advisable to patch up a hasty peace with them; talking in the present state of affairs will be of no use." (United States Government 1854k)

Two days later, on March 14, Cooke sent Gen. Garland a lengthy report on the activities of his scouting parties east of Ft. Union. They had found no Apache.

Cooke had, however, received news from civilians at Mora:

> "At noon today, I received a letter from the Alcalde of Mora with information that 45 lodges of Apaches, - including probably only ten men, had gone there in great alarm, - but I shall enclose letter. Bransford, who brought it, states that Mr. -------guide recognized one or two who had been in the fight.
>
> *****
>
> I am at a loss what word if any to send to the Apaches at Mora, until I can get some certain information of their attack or attacks upon the herdsmen and cattle, the amount of loss.
>
> *****
>
> ...property holders, as far as I have heard are highly pleased with the course which was taken against the Apaches." (United States Government 1854l)

It was not until March 19 that Cooke requested assistance from Maj. Blake at Cantonment Burgwin. Cooke's orders to Blake were obviously in response to the report of many lodges of Apache near Mora. Cooke's strategy was to use his reinforced companies of Ft. Union Dragoons to look for hostiles northeast and south of Ft. Union, and rely on Blake's two companies to deal with any Jicarilla near Mora:

> "As empowered by Dept. Order No. 15 – of which you have been furnished a copy, I have to call upon you for a company, strengthened, if necessary, to 45 or 50 mounted men, to march as soon as practicable to the village of Mora.
>
> There are believed, to be forty five lodges of Apaches camped three miles from there: they came in five or six days ago, in real or pretended alarm, professing innocence & a desire for peace: - there are at least ten men among them – there may be 70 or 80: -
>
> If these same circumstances are found existing on the arrival of the company, my present view, & convenient vicinity, in observation, & to enforce their neutrality. The officer in command may however expect to meet or receive more definite instructions.
>
> If however he should find on his arrival, that they have fled, or should they do so or attempt to do so afterwards, he will pursue their trail, - employing if desired a guide & trailer, and when overtaken, he will attack the males, if not quite submissive, & make prisoners of women." (United States Government 1854m)

On March 22 and 23, Cooke dispatched his Ft. Union Dragoons to search both sides of the Canadian River south of the fort (United States Government 1854n; 1854o). He clearly believed, right or wrong, that the hostile Jicarilla warriors would be found to the southeast. He likely did not feel that the Jicarilla reported to be near Mora were the warriors he was seeking.

Maj. Blake responded to Cooke's orders by sending one of his companies of Dragoons to Mora. It was led by Lt. Davidson. Whether Blake was sent a copy of Garland's March 12 orders to Cooke to "press these Jicarilla marauders to the last extremity" and that "talking in the present state of affairs will be of no use" is not known. It is likely Blake was sent a copy, and likely that Davidson had read it.

Lt. Davidson led his Dragoons out of Cantonment Burgwin on March 21, headed for Mora on the Ft. Union supply road. Somewhere between Picuris and Mora, likely in the area of the present Holman Hill, Davidson's troops encountered the Jicarilla. Apparently Lt. Col. Brooks and some of his company had already met the Apache when Davidson arrived. Brooks may have been sent by Cooke to check on the reported Jicarilla there, but the Ft. Union letter books do not contain any written orders confirming this.

The Jicarilla had been on the move away from Mora and toward the Picuris-Taos area. Apparently this was most of an entire band of the tribe, with women, children and 107 warriors (United States Government 1854aa). They showed no hostility to the troops and claimed to want peace. Davidson left his troops at Mora and rode (probably with Brooks) to Ft. Union to report to Cooke.

According to a letter written 9 months later by Lt. Bell:

> "On the evening of the 21st of March Lt. D. arrived at Ft. Union from Mora where he had left his company and reported to Col. Cooke for instructions. I was present when he arrived and afterwards during several conversations between him and Col. Cooke in relation to the Indians, their mode of and ability for war etc. Col. Cooke and myself occupied the same house and Lt. D was our guest. He stated that on his way from Cantonment Burgwin to Ft. Union where he had been ordered by Col. Cooke he met the Apaches in a canon between the former place and Mora, that he had halted his command and, with Col. Brooks, had a talk with them; he described them as being overwhelmed with fear and protesting that they desired peace, stating also that he had made advantageous dispositions for battle in case they exhibited any signs of insolence or hostility. He also commented on the miserable quality of their arms, and their mean shrinking deportment, at the same time avering that he was sorry that they did not show some signs of hostility, for that if the(y) had he would have 'wiped them out.' (United States Government 1854aa)

On March 23, Davidson returned to his company waiting near Mora and marched back to Cantonment Burgwin. There is no record of his troops again seeing the Jicarilla on this march. After meeting Brooks and Davidson near Mora on the 21st, the Apache had continued west over Holman Hill on the road to Picuris. By the time Davidson and his command rode back to Cantonment Burgwin, the Apache were well ahead of him. The Indians went to Picuris; Davidson left the main road east of Picuris, going north on the military route back to his post.

Cooke's instructions to Maj. Blake were contained in written orders, possibly carried back to Cantonment Burgwin by Davidson:

> "I have instructed Lt. Davidson to march his company back to his post, the Apaches in larger numbers, than was supposed, having been met by him on their way to Taos (Having started before receiving any message from me).
>
> The only cooperation I have to ask of you at present; is to watch or control these Indians until there is a settlement with the rest of the tribe. Their warm professions

> of friendship are founded on their present fears, & poverty of their horses." (United States Government 1854p)

These orders appear to reflect some continuing indecision on Cooke's part about what to do about the Jicarilla which had been reported near Mora, headed toward Taos. He likely was not certain that this group was responsible for depredations. He had two parties out searching the Canadian River, where he believed he would find the hostiles. He, having much greater experience with Indians than Davidson, wisely chose not to interfere with the Jicarilla movement, and risk battle, without more information. In any case, one company of Dragoons, about 40 men, probably did not give Cooke the superiority he needed to use force.

On the 24th or 25th, after Davidson returned to Cantonment Burgwin, some of the Jicarilla he had met near Mora, including two chiefs, came to Taos claiming to want to talk with their new agent, Kit Carson. On March 25, Blake had Davidson take them into custody and bring them to the fort, where the two officers and Carson met with them. On March 27, Carson reported from Taos to the acting governor in Santa Fe as follows:

> "I have the honor to report that on the 25th instant I had council with eight Jicarilla Apache including two of their chiefs at Cantonment Burgwin and they seem friendly and well disposed to all citizens. There are at present about one hundred warriors with their families stationed near Picuris engaged in making earthen vessels. They say they were not engaged in any of the depredations committed on the east side of the mountains and that none of them were engaged in the fight with the Dragoons on Red River; and that they have come over to the west side of the mountains near the settlements, in order to show their friendship and make (Ollas) earthen vessels to trade to the Mexicans for provisions, as they are in a starving condition." (United States Government 1854q)

Carson recommended appointing a special agent to reside with the Jicarilla and that he be given provisions to feed them. He finished by stating that "the government must either subsist them for the present or allow them to steal." (United States Government 1854q)

At this point the military (Cooke) and the Indian agent (Carson) were following a similar policy: the soldiers would watch the Jicarilla but not attack them unless necessary, while the civil authorities would try to offer subsistence in return for assurances of peace. It is interesting that this was <u>not</u> the approach mentioned by Gen. Garland in his letter to Cooke of March 12 (United States Government 1854k).

Cooke's and Carson's approach may have worked with time, but time was running out. At the Cantonment Burgwin meeting on March 25, it was decided to send three of the Jicarilla, with Maj. Blake, to Ft. Union for further talks with Cooke. Blake, the two chiefs, and a third Jicarilla left for Ft. Union the morning of March 26. Blake briefly described his trip in the Davidson court of inquiry:

> "Carson the Indian Agent & myself, with Lt. Davidson, thought the chiefs had better go over with me to Col. Cooke, for I was then under orders for Ft. Union; the two chiefs, a third Indian & myself started the following morning. After remaining there [Ft. Union] a day or two, the Indians having a conversation with Col. Cooke, I started with the Indians on my return to Cant. Burgwin. At Moro that evening they ran away from me, & I saw nothing more of them. I arrived at Cant. Burgwin on the 29th of March about 3 o'clock in the afternoon. .....A corporal who had been out watching the movements of the Indians according to orders, reported to Lt.

> Davidson, in my presence, that the Indians had moved their camp and were going towards the Rio Grande..." (United States Government 1856b)

Carson left for Santa Fe on business on March 27 or 28, possibly involving the Masons at Montezuma Lodge (Boyer 1954), and did not return to Taos until after the battle (Carter 1968, United States Government 1856b).

In the late afternoon of March 29, Blake made the decision to send Lt. Davidson south through Cieneguilla to find the Jicarilla. "I directed Lt. Davidson according to my instructions from Col. Cooke, to take out his Company to proceed on their trail and watch and control their movements." (United States Government 1856b). Lt. Bell, in his December letter, claimed that Davidson left "under orders from Major Blake to follow and watch the movement of the Apaches, but to avoid if possible bringing on an action." (United States Government 1854aa)

A letter from Cooke to Blake dated March 28 summarizes what Cooke had told the Jicarilla themselves:

> "The Apache chiefs, or principal men who came down with Major Blake, are sent back with the bearers of this: - I told them that as long as their band should demean themselves in a friendly & inoffensive manner, they should in no way be held responsible for the band whom we have chastised, and against whom, there are now a squadron of Dragoons in the field.
>
> And to prevent accidents they must confine themselves to their proper Ground, in the vicinity & beyond the valley of Taos: obeying the instructions of their agent.
>
> All that seems to be required of you then, is to be watchful of these Indians & the temper they show; & to pursue and attack any warlike or depredating party that may be formed, giving notice to me of any important indication or move." (United States Government 1854r)

Whether this message reached Maj. Blake before he ordered Lt. Davidson to locate the Jicarilla is not clear. But its contents were completely consistent with instructions previously given Blake by Cooke.

On March 29, Davidson, with 60 Dragoons, made a night march to the village of Cieneguilla. Early the following morning, March 30, 1854, he led his command southeast into the mountains on the old Agua Caliente trail. At about 8:00 that morning he found the Jicarilla camped on a narrow ridge not far from the trail.

Accounts of the Battle

There are numerous accounts about the battle, both from the military and the Indian perspectives. Many date from the time of the battle. Most of the various secondhand accounts that have appeared in popular literature, or written years following the battle, were found to have little credible information. A number of valuable historic records were found to exist. Part of the research involved talking to tribal members to see if there were any oral traditions concerning this battle as well. These attempts were partially successful and add another component to the records.

Jicarilla Accounts

Discussions with some of the Jicarilla elders did not reveal any details about the battle. Other than a few comments stating that they were told to never speak about the battle, or to never talk about such things, very little came to light. Several elders who visited the site stated that they did not know anything about the battle, but felt that it must have been a band of renegade Indians. They had heard there was a group of renegades about that time who acted independently of the rest of the Jicarilla.

There is little in the historical record as well. In a conference with Governor Meriweather soon after the battle, Chief Chacon claimed that the soldiers started the battle. The substance of the interview between Governor Meriweather and Chief Chacon can be found in the National Archives, as referenced in Stanford Research Institute, Book 6, pp. 549-550 (Thomas, 1974:93-94). Answering a question of the governor, Chacon replied:

> "At the beginning of the war, don't know what caused it. I was away with the Utahs. Had heard it was about three cattle (Lieutenant Bell's expedition) – We were ready to return the cattle, but the Americans wanted three chiefs. We then offered to come down with the famil (sic) but the Americans would not receive them. The Apaches begged for God's sake let them alone, that they had suffered enough. The officers refused to receive the families, and that was the time they fired on the Apaches..."

Then referring to the engagement at Cieneguilla, he states:

> "At the time the fight began, the Indians were making clay pottery and that some of the Indians were even on their knees begging for peace. The Americans killed a chief Pacheco, and a ball cut out the entrals of a woman, who survived. About 50 Indians were killed at Cieneguilla."

A statement by Mr. Head, special investigator for the Superintendency, seems to corroborate that Chacon was away with Chico when the battle started (United States Government 1854x).

In 1909, Pliny Goddard recorded a story of an unnamed battle as told by Casa Maria, an Apache elder (Goddard 1911:242). The account is brief, but contains several elements that are generally consistent with the military records of the events leading up to the battle of Cieneguilla.

> "Long ago, the Jicarilla were camping at Mora. A large band was also camping on the Canadian. There were many cattle about there, one of which was wearing a bell. This one the Apache killed. They were discovered and the American soldiers came, demanding four chiefs. The Jicarilla would not give them up. The soldiers rode back and the Jicarilla moved their camp to another place. The soldiers came again on horseback and demanded the four chiefs. Before the fight began, the Americans passed about their canteens and drank whisky, becoming drunk. They then rode toward the Apache shooting at them. Their fire was returned, three of the Americans being killed. One Apache had his finger shot off.

> The Jicarilla moved their camp to a mountain east of Picuris. When they had been there four days the Americans came again on horseback early in the morning. They halted and one approached to pass the Apache a paper. An Apache took it from the hands of the officer and tore it up. Someone shot the person who had handed the paper, wounding him in the arm. Then the soldiers opened the fight. They had halted on the plain with their horses and were shooting in different directions, the Indians having surrounded them. The Apache kept on shooting and killing the soldiers until only two were left. Four of the Apache were killed. They took all the arms of the soldiers and the money from their clothes, a large sum.
>
> From there the Apache moved to the west side of the Rio Grande."

From the description, this is undoubtedly a record of the Cieneguilla battle, and perhaps of Bell's encounter near the Canadian, and represents a written account from an Apache who was living at the time of the battle. Like Chacon's account, it does not implicate any other tribe in the fighting. After retreating from the area and being chased by the soldiers for several weeks, they entered a canyon where they "mingled with the Ute" (Ibid), again, implying that only the Jicarilla were involved in the fighting.

Ute Accounts

All the written accounts are clear that Jicarilla Apache were present, but a few of the early letters claimed that there may also have been Ute or "Utahs" in the battle as well. The most convincing accounts, however, make this claim seem unlikely. Just after the battle on April 14, 1854, Carson met with one of the Ute Chiefs. According to Carson,

> "Chico Velasquez with four of his band came to this agency and stated that the Utahs are all peaceably and favorably disposed towards Americans, Mexicans and Pueblo Indians, and that neither he nor any of his nation has been engaged with the Apaches in fighting the American troops; and that the Utah do not allow the Apaches to come near their villages or hunting grounds. He states that soon after the fight which the troops had with the Apaches on the Embudo Mountains, a party of Apaches came to the Utah villages and entreated the Utahs to join them in fighting the troops but that his people promptly refused and bade the Apaches leave and not to return as long as they were at war with the Americans" (United States Government 1854z).

This is at the same time another Ute chief assisted the Dragoons earlier in March in a conflict with the Apache near the Canadian River (Emmett 1965:172, United States Government 1854h), an unlikely event if they were preparing for war with the soldiers.

Garland (United States Government 1854x) reported that Mr. Head, special agent for the Superintendency at Abiquiu stated to him that no Ute participated in the battle, and that the leader of the Apache in the fight was Flechas Rayada, successor of Chief Lobo. He also states that Chacon and Valesquez were camped near Fort Massachusetts, confirming a statement from Chacon that he was not present when the battle started, but was off with the Ute. Kit Carson (United States Government 1856b) also stated that he believed that no Ute were involved in the battle during the court of inquiry. Further, Carson had reported just days before the battle that there was a group of Apache camped near Picuris, and made no mention of Ute. In further support of the conclusion that the battle involved the Apache and not the Ute, the campaign that followed was against the Apache, not the Ute, and further

mention of Ute involvement largely disappears from the record. Although accounts are conflicting, there is a strong argument that the Ute were not part of the battle.

Picuris Accounts

No historic accounts from the 1850s mention the Picuris. It would seem unlikely that Carson, upon hearing about the battle, would have gone directly to Picuris to request an escort of Picuris Indians if they had been part of the fight (United States Government 1854w), or that the soldiers would have enlisted the help of Taos Pueblo in retrieving the bodies from the battlegrounds and in their pursuit of the Apache following the battle.

There is an account of the battle from former Picuris Governor Pat Martinez, which was told to Jack Boyer on October 29, 1965 (Martinez 1965). Although this account indicates the Picuris heard the battle and went to assist the Apache, they did not participate in the battle. The account by Governor Martinez does not provide specific details about the battle, but the overall description of the soldiers being badly beaten and retreating to Cantonment Burgwin is consistent with the other historic accounts:

> "The Jicarilla Apaches and the Picuris Indians have always been good friends and helped each other. If the Apaches were in trouble, they would send a man to us so we could go to help them. If we were in trouble, we would send a man to the Apaches and they would come to help us. We were a big pueblo then.
>
> One time there was a big camp of Apaches in the Warm Water Canyon. The Apaches used to live around in the mountains in back of us, but they did not live like us. They lived in tents or tee pees made of buffalo skins. The Apaches and our people too used to hunt the buffalo past Mora on the big plains. They used to come from across the Rio Grande by a trail at Pilar [Cieneguilla] and come home.
>
> Early one morning a dog came into this Apache camp and it was killed. The Apaches new that danger was near and that the killing would cause them great trouble. So all the Apaches left the camp and hid themselves in the bushes and rocks around the camp. All left the camp except two old people who were so old that they could not leave. So they stayed sitting in front of their tee pee. One was an old man and the other was an old woman.
>
> Soon some U.S. soldiers rode into the deserted camp and an officer, a General, took out a paper and read it to the two old people. Of course, the two old people did not understand what the General was saying nor reading to them. After the General finished, the soldiers shot and killed the two old people. This made the Apaches who were hiding very mad and they came out of their hiding places to attack the soldiers.
>
> After fighting a long time, the soldiers finally escaped from the battleground because they were losing the fight and were having a lot of their men killed by the Apaches. As soon as the fight had started, the Apaches sent a man to our pueblo for help. A band of our warriors left to go help the Apaches, but by the time they got there, the battle was over and they saw all the dead soldiers on the ground full of arrows. Even the trees around there had lots of arrows sticking in them. Most of the soldiers' horses were killed and the soldiers when they left the battle had to walk. The horses were full of arrows too. There were two mules still alive with packsaddles on

them full of ammunition. The Apaches took these mules and the ammunition.

The soldiers that were left followed an old trail that went near the ridge of the mountain and finally went to Ranchos de Taos. I think the soldiers were from old Fort Burgwin, near Pot Creek. Those who escaped from the battle were all wounded. The soldiers were badly beaten in the fight by the Apaches."

A second version of this account was printed in the Santa Fe New Mexican on December 14, 2003. In a letter to the editor, Governor Gerald Nailor wrote:

"the Jicarilla were the guest of the Picuris due to the turmoil they were going through with the United States government. They lived among us. During this period, the United States was building forts in the Southwest to further encourage the invasion of our home lands.

Ramon Martinez, an elder of Picuris, told his son and me the story in 1948. He referred to the Apaches as our sentinels, or guards, the name that is carried to this day—*kheh wia eh neh*—which means in the Picuris language our sentinels or guards.

The way Martinez told the story was that the Apaches used to camp approximately 1/2 mile north of our present village of Picuris. The battle site is approximately 5 miles northeast of Picuris around the warm springs area.

During that time the Apache sentinels warned the Picuris of soldiers approaching toward Picuris from the west. The Picuris warriors in turn went out to meet the invaders full force with the Apaches. When they reached a strategic point, they lay in wait for the soldiers. The column was led by a big dog. The signal for the battle to start was to shoot the dog first with bow and arrow, and hence the battle started."

The two accounts, apparently originating from the same source, are remarkable in one significant difference between them. In one account the Picuris participated in the battle, but in the other they did not. These differences point out the difficulties in relying entirely on oral traditions in documenting historic events. Variations in accounts sometimes exist, and it is not uncommon for them to conflict with written "official" accounts. This research also demonstrates, as will be shown, that the official military accounts may also differ from evidence that is found on the ground from archeological investigations. In an investigation such as this, it is important to consider all sources, and be aware of the different cultural values and belief systems of the various groups, and the different interpretations that could result when presented with the same information (Scott, 2003:55-65).

In a conversation with Picuris Governor Richard Mermejo in July 2006, Governor Mermejo stated that he had heard that the Picuris had participated in the battle. He pointed out that the battle site was only about 45 minutes away by horseback. He said that in those days, the Picuris and Jicarilla were close friends and even dressed alike. The soldiers would have had a hard time telling them apart.

The Picuris account is important in that it confirms that a battle took place north of the pueblo between the soldiers and the Jicarilla Apache. The account acknowledges that the Apache camped in the Embudo Mountains near the Picuris reservation, and that they were friends of the Picuris. In the version told to Boyer, Martinez states that there was an old trail from Cieneguilla to Picuris, and that the soldiers followed an old trail to the fort when they left (Martinez 1965).

It is apparent that the Jicarilla had camped in the vicinity of Picuris for a number of years. Culturally modified or "peeled" trees in the vicinity of the battle that are possibly attributable to the Jicarilla date back some 75 years prior to the battle. Also, as noted previously, a small band of Jicarilla had petitioned to have land at the village of Cieneguilla given to them in 1822, and stated that the Jicarilla had been farming in the area near Cieneguilla prior to the Spanish moving in (United States Government 1895). Cieneguilla is only a few miles from the battle site.

Military Accounts

Several descriptions of the battle have been written over the years, and these include both first and secondhand accounts. Most of the secondhand accounts written for newspapers and magazines, however, are either too brief or largely inaccurate. Some confuse this battle on the Agua Caliente in the Embudo [Picuris] Mountains with the attack on the Apache on April 8, 1854, on the Agua Caliente to the north. Fortunately, there are military accounts about the battle that are much more accurate, and a journal kept by one of the soldiers describes the battle in some detail. Two years after the battle, a court of inquiry was held concerning this battle, and several of the troops offered their versions of what happened. Taken together, these firsthand accounts, written within 2 years of the battle represent an unusually detailed picture of the event from the military viewpoint.

The official report on the battle, filed by Lt. Davidson, is brief. The text of the report is presented below (United States Government 1854v):

> "Pursuant to your orders, I left this post on the evening on the 29th ult. with a command of sixty men of "F" and "I" Troops, 1 Drag. accompanied by Asst. Surg. D.L. Magruder, U.S.A. On the morning of the 30th about 8:00 I came upon the Apaches near Cieneguilla who at once commenced the war whoop. There was but one thing to do. I dismounted my command, and attacked their camp on a mountain ridge driving them from it. They rallied at once, however, and charged the command – encumbered by horses at close quarters several times. After a desperate fight of near three hours I was compelled to withdraw with my wounded whom I succeeded in bringing to Taos. The melancholy duty now revolves on me of reporting twenty two of my gallant command killed upon the field, and twenty three wounded, and upwards of forty five horses killed and lost in action. I refer to the accompanying list of killed and wounded for details. There were from my own observation and that of the Pueblo Indians who went out with Major Blake to bring in the dead, upwards of three hundred Apache and Utah warriors who opposed me. A large odds against us. I confidently report not less than * "fifty to sixty" Indians killed in the fight and a great many wounded."
>
> * "thirty to forty"
>
> "The alteration of the Indian loss from "fifty to sixty" to "thirty to forty" has been made at the request of Lieut. Davidson."

The account of the battle that follows has been drawn from a combination of military records, but closely follows the description given by Sgt. Bronson (aka Bennett) and Pvt. Strowbridge during testimonies at a court of inquiry that took place 2 years after the battle.

The 1st Dragoons, under the command of Lt. Davidson, left Cantonment Burgin on March 29, 1854, and proceeded to the small village of Cieneguilla. They arrived at approximately 11 o'clock in the evening and camped for the night.

Early the next morning, they left following the old trail to Embudo. Davidson sent two soldiers and his scout, Jesus

Sena. up the trail to Embudo to look for signs of the Indians. Davidson also started out on that trail, but not far from Cieneguilla he led the troops away from the trail to the left and headed into the mountains.

Soon the Dragoons came across the Indians' tracks when they neared the Agua Caliente. Following the tracks, Davidson led his men into a side cañon or "narrow defile," until they were situated below the Indian camp. At some point, either as the troops entered the narrow canyon or as they advanced up the slopes, the Indians let out a war whoop (Davidson, in United States Government 1856b) or someone from the Apache speaking in plain English (Pvt. Maher in United States Government 1856b), broken English (Pvt. Weldon in United States Government 1856b) or Spanish (Lt. Bell in United States Government 1854aa) called out to them to come on if they wanted a fight. At that point, Davidson felt he had no choice but to attack. The troops halted and dismounted below the Apache camp. Davidson ordered the troops to tie their horses to the trees, and he left eight Dragoons, including Dr. Magruder to guard the horses. The troops divided into two platoons, with the first platoon led by Sgt. Holbrook advancing to the right and the second platoon under Sgt. Kent to the left. The troops advanced up the slope to the Apache camp. Shots were soon fired, and the troops entered the camp. The attack on the camp lasted only a few minutes. As the troops entered the camp, the Apache retreated, went around the ridge, and attacked the troops left to guard the horses. The soldiers guarding the horses called for help, and those who had entered the camp returned to protect the other soldiers and the horses. Sergeant Kent had been killed in the camp and four more soldiers had been killed between the camp and the dismount position. The bodies were left behind and the troops descended the slope toward the horses.

After returning to the horse position, the Dragoons were pinned down for 1 to 2 hours, when Davidson called for a retreat to a nearby small hill or ridge about 150 to 200 yards away. The Dragoons headed toward that location, but soon realized they could not hold the position so retreated across the creek and up the steep slopes of the ridge to the northeast in order to gain the higher ground.

The Dragoons, while still being fired upon, halted their retreat halfway up the slope to recover from the steep climb, and saw the Apache working their way up the canyon to head them off. When the Dragoons reached the top, the Apache were already there, and the fight continued. After a fight of about 10 minutes, Davidson led his men along the ridge but they were repeatedly attacked by the Apache. After one final assault, he ordered his men to leave the dead, gather the wounded, and retreat down the ridge to the adjacent canyon. They had lost 17 more men during the retreat, and half the remaining soldiers were wounded.

The Dragoons followed the canyon for several miles before they stopped. After reaching the main road to Taos from Cieneguilla, they headed back toward Cantonment Burgwin. The bodies were not retrieved until the next day.

The Court of Inquiry

The news of the battle spread quickly, and questions soon emerged as to how such a defeat of the military could have happened. Two weeks following the battle, Christopher "Kit" Carson wrote that it was his opinion that the Apache were "driven into the war, by the action of the officers & troops" (United States Government 1854y). Later that year, Lt. David Bell of the First Cavalry, in a letter to Lt. Williams of the 1st Dragoons, wrote, "It is at least doubtful who fired first – but what matters it? – Was not the advance upon the Camp in a hostile attitude a bona fide attack? Nobody would doubt it practically if his position was that of the Indians and Lt. D. would have been one of the last to do so. If he had been under the command of almost any officer other than Maj. Blake he would have been tried for disobedience of orders" (United States Government 1854aa). He went on to say "when an attempt is made to transform an unskilled attack, a feeble resistance, a disorderly and disastrous flight, the combined

consequences of which entailed upon others days of toil and nights of suffering and present that to the world as a glorious triumph, I do not conceive it my duty longer to be silent" (Ibid).

It should be pointed out that there are several events that may have prompted Lt. Bell to write his critical letter. Lt. Davidson's much publicized battle on March 30 came only one day after a letter had been sent to the Army Command in New York praising Lt. Bell on his defeat of Chief Lobo just weeks before (United States Government 1854s). As a result, Davidson's engagement greatly overshadowed Bell's victory. One wonders if Bell harbored ill feeling toward Davidson's defeat being transformed into a victory while his own victory went largely unnoticed, and whether this provided some of the impetus for making his accusations. Perhaps Bell had caught word that Davidson's promotion to Captain would come through in January, just 3 weeks away, while his promotion was nowhere in sight. Or maybe recent news articles he refers to in his letter in which the battle was turned into "a glorious triumph" encouraged him to speak out (United States Government 1854aa). It seems likely that the culmination of these events may have brought Bell to the point that he felt he had to act. But then again, perhaps Bell simply recognized that Davidson may have made some critical errors that led to the deaths of a third of his command. After reading the letter, Lt. Davidson first filed a suit against Lt. Bell, but later dropped the charges in favor of a court of inquiry where he could clear his name and lay the questions to rest (see appendix B).

The court of inquiry convened in March 1856. Over the course of several days, a number of soldiers gave their account of the battle. Witnesses included Kit Carson, Sergeant Bronson, and Mr. M. J. Francisco, who helped retrieve the bodies the day after the fight. Davidson, now a captain, directed the majority of the questioning. The inquiry revolved around the accusations Bell made in his letter. The portion of the letter that most influenced the court proceedings is as follows:

"Lt. Davidson now dismounted his command in a canon... The command advanced in two platoons as nearly in line as the nature of the ground and other circumstances would admit. This was the most unmilitary as well as the most exposed order possible – it could not be expected that a display of numbers would intimidate the Indians while a large mark was thus presented to their concentrated fire. This is no labored scientific deduction – A non-commissioned officer who would not have appreciated it upon the ground should have been reduced for incapacity. But if exception is taken to this mode of approaching a crouching and concealed foe what are we to think of the second attempt to go up a steep hill each man leading his horse. The horses alarmed by the noise and confusion of the fight would refuse to advance and the men would struggle with them unwilling to abandon them and thus instead of using their weapons would fall victims to the fire of a concealed enemy.

An attack could not be made mounted and to attempt to lead the horses would expose the men. What was then to be done? To abandon the horses of course. This ill-advised and unfortunate attack finally arrived at the top of the hill, leaving behind those who were killed or wounded, and now the command is given "mount men and save yourselves" – this Lt. does not or at least did not deny. This order was calculated to strike terror to the heart of the bravest soldier, for he would know that nothing but the utmost exertion could prevent his falling a prey to the merciless savage. This order was alone sufficient to ruin a command.

The consequence was a disorderly flight over ground of the difficulties of which the Indians knew well how to take advantage. Every other consideration was forgotten in that of personal safety and hence the entire abandonment of arms etc. Every man exerted his energies to save his own life while he abandoned his wounded comrades to be butchered. I have conversed with Major Blake, Maj. Thompson and Mr. Quinn all of whom visited Cieneguilla the next day and the result of their stories is this that 5 men only were found dead upon the side of the hill up which Davidson advanced, and it is by no means certain that they were dead when the retreat was ordered, while 14 men were found on the hill side down which the flight took place, and two or three more in the ravine below. This cannot be denied and it proves that a command of 57 Dragoons retreated without an attempt to preserve order when they had lost 5 of their number. Davidson says in his official report, which I have read, that there were 250 or 300 Apache and Utah warriors in the fight that he fought for three hours and has every reason to believe he killed a large number of Indians. In the first place there were no Utahs in the fight & secondly there were not more than 130 warriors (Apaches) in it, as Carson or any person who followed them will tell you. If 50 or 60 of these had been killed the rest must have been wounded if any sort of usual proportion between killed and wounded obtained. As to fighting three hours that is the most ridiculously absurd assertion in the whole report. A Cartridge Box (cavalry) holds some 30 to 50 Cartridges. How long would it take a man to fire this number of Cartridges assuming that he fired all of them? But in the excitement of action most men will lose a large portion of their ammunition. I think any reasonable man will agree that Davidsons fight never lasted 30 minutes, his assertion to the contrary notwithstanding. In regard to the probable number killed I forgot to say that it is a remarkable fact that the number of lodges after the fight was the same as before and we were informed in every Mexican settlement through which we passed in the pursuit, that the Indians said they had lost only two men in the battle." (United States Government 1854aa).

Kit Carson was one of the first to testify. It is interesting that 2 years after claiming that he felt the Indians were drawn into the battle by Davidson, Kit backed Davidson in his testimony. As each soldier got up to testify, Capt. Davidson asked a series of questions, many of which were raised in Bell's letter of 1854. Davidson repeatedly asked if he had left his troops in the bottom of a canyon, and the soldiers consistently replied that he had not. Each soldier testified that there were between 250 and 300 warriors in the fight, and that it lasted several hours. In each case, they testified that Davidson was in control of the battle and his men, and undoubtedly saved the lives of those who made it out alive.

The court of inquiry was unusual as a legal proceeding in that Lt. Davidson himself did most of the questioning. A number of the questions were leading, and many of the responses were so similar that it leads one to wonder if the responses were rehearsed. In one key piece of evidence, a sketch map of the battle, Lt. Davidson apparently drew the map first, and then handed it to his witness to mark where the dead were located. In doing so, the sketch indicated that the troops did not dismount near the canyon bottom, but were on a slope below the Apache camp. Davidson asked that the court go to the battle site to see for themselves where it took place, but the court respectfully declined.

Another key defense was whether the Apache had called him on to fight. The soldiers testified that the Apache had indeed called down to them to come on if they wanted a fight. Sgt. Bronson was asked if it was possible for Capt. Davidson to have avoided the action once they came in the presence of the Indians and he replied "Not without disgrace (United States Government 1856b)." In Davidson's own words, the Apache "at once commenced the war whoop. There was but one thing to do (United States Government 1854v)." As the court was not engaged in an examination of what led to the defeat of the troops, but rather whether the attack on his character was justifiable, it seems this finding that he had to attack or lose his honor satisfied the court. As noted by Taylor (1969: 226), the higher command was more interested in Davidson's gallantry and bravery than his judgment. This apparent desire to protect an officer's honor above all else was also reflected in an investigation into the Lt. Grattan massacre in Wyoming in August of 1854 (Hedren 1983). In that incident, the lieutenant and his entire command of soldiers were killed, and the court was reluctant to disparage the name of a valiant deceased soldier despite evidence that he had caused the massacre.

Based on the testimonies presented at Davidson's court of inquiry, the court found that he had acted gallantly, and all accusations against him were dismissed. Davidson stayed in the military reaching the rank of Bvt. Maj. Gen. during the Civil War. In the 1870s he commanded the Buffalo Soldiers, where he earned his nickname "Black Jack" Davidson. He died from injuries sustained from a fall from a horse on June 26, 1881, at the age of 56.

Field Work

The various letters and accounts of the battle (see appendices A and B) provide several key pieces of information for locating the site. We knew the troops found the Jicarilla in the mountains 3 to 5 miles from Cieneguilla, east of the trail to Embudo, and that this was apparently an area used by the Jicarilla for many years. We knew that the Dragoons were armed with the .69 caliber musketoon, the .54 caliber horse pistol, the .44 caliber Colt Dragoon revolver, and all of these arms were fired using percussion caps. The Indians fired both arrows and firearms. We also knew the general layout of the battle, including the dismount, Apache camp, return to the horses, retreat to a nearby ridge, retreat up a steep ridge, and the final retreat down a narrow ridge at the "point of a hill." And we knew that there was an old trail from Cieneguilla to Picuris, and it was likely that the soldiers had followed this trail. This information was invaluable for locating the battle, and providing enough information to identify the terrain and certain diagnostic artifacts that would verify whether we had found the location of the engagement.

In light of the research goals and data needs, it was most appropriate to use a combination of standard pedestrian survey techniques augmented with metal detectors (figure 4). A variety of state-of-the art metal detectors with different frequencies was used to avoid cross talk, and double-d coils were used for greater coverage.

Metal detectors are one of the more important tools historical archaeologists have at their disposal for locating Apache Rancherías (camps) and battle sites in the American Southwest, and were an indispensable part of this research. Historical archaeologists began using metal detectors with success around 1984 (Gregory and Rogerson 1984:179; Scott et al. 1989:25-30; Ludwig and Stute 1993:13-17; Haecker and Mauck 1997:131; Haecker 1998:9-13; Adams et al. 2000:29-32). Southwestern archaeologists to some extent have ignored this useful tool, but by the end of the 20th century, the profession began to take a serious look at the practicality of metal detectors in historical research. The new generation of metal detectors used for this project included two types, the VLF (Very Low Frequency) type and the PI (Pulse Induction) type. These sophisticated lightweight machines are sensitive, utilize state-of-the-art microprocessors, automatic ground balancing, advanced search coil designs, and they operate in variable frequencies. If used in a controlled manner by professional archaeologists, they are a cost-effective approach to identifying metal artifacts, and they save countless hours of testing and excavation (Adams et al. 1998).

The initial reconnaissance surveys were conducted between September 2000 and April 2002. Using the written descriptions, the sketch map from the court of inquiry, and topographic maps of the area, crews averaging four to eight people armed with a variety of metal detectors surveyed all of the major ridges within an area 2 miles across in an attempt to find the battle location (figure 5). The descriptions from the written accounts helped narrow down the search. Most narrow ridges within this area were covered in a single transect, with surveyors spaced 3 to 10 meters apart. When a potential Apache or military artifact was found, the transect interval was reduced to more intensively cover the area of the find to see if other artifacts were present. Three small Apache sites were identified during the survey that were not related to the battle.

Artifacts from the final retreat route were the first battle related artifacts located. Initial finds, consisting of .54 and .69 caliber lead balls, military style percussion caps, metal arrow points, and other military items confirmed that we had found part of the battle, and the terrain fit the description of the final retreat route.

The area of the initial attack was not located until several months later. The first evidence of the Apache camp was found with the discovery of micaceous ceramics, metal arrow points and other Apache artifacts on a ridge, along with percussion caps, lead balls, and a brass military style spur. An examination on the slope below the camp soon located the position where the Dragoons had first dismounted and were later pinned down near their horses.

Once the general areas of the battle had been identified (table 1), the research focused on identifying the full extent of the artifact distribution. The location of the battle site was delineated on a topographic map generated using ArcView 8.1 to provide a base map for recording artifacts found during the intensive survey. Metal rebar datum points were established using a Trimble 4700 series geodetic GPS with

Figure 4. Surveyors using metal detectors

UTM locations were recorded with hand-held GPS units, and the map was updated and expanded daily as the survey progressed.

The intensive survey was completed in two stages. The first field session concentrated on surveying the hilltop stand and retreat route portion of the battle. This area was surveyed in May 2002. The second phase consisted of surveying the Apache camp and initial battle location, and the horse position. This field work was conducted in October 2002. Additional small surveys were conducted between 2003 and 2005 to complete the coverage of the battle area and to check

sampling strategy. The site covers approximately 125 acres. About 575 acres were surveyed, with approximately 200 acres in the immediate vicinity of the site intensively examined (figure 5).

For the intensive survey, transect lines oriented parallel to the line of the ridge were flagged. Surveyors follow closely spaced transects (2 to 3 meter spacing) across the entire site area following the transect lines. When the surveyor registered a hit with the metal detector, the find was carefully excavated and marked with a pin flag. A recorder would follow the survey crew, examine the artifact and if diagnostic or suitable for analysis, it was collected and placed in a labeled plastic bag. The location was recorded using a hand-held GPS unit so the positions could be plotted on a daily basis. A metal tag with a stamped number was left in the hole, it was backfilled or covered with rocks, and the flag was left in place for the land surveyors who came in the following week to accurately map the artifacts in place. The surveyor on the outside of the transect line tied flags in the branches of trees and bushes to mark his route. Surveyors continued along the transect lines until no more artifacts were found or the topography prohibited continuing, to verify they were outside the battle area. Upon reaching the end of the transect line, the surveyors pivoted, and returned in the opposite direction, adjacent to the previous transect, following the flag line left by the surveyor on the outside of the previous transect. The survey included locations outside the areas of engagement to verify that the entire battle had been identified.

The majority of metal artifacts found using the metal detectors were just below the surface. These artifacts were removed using a probe and small trowel, disturbing as little of the surrounding soil as possible. The depth of the artifacts

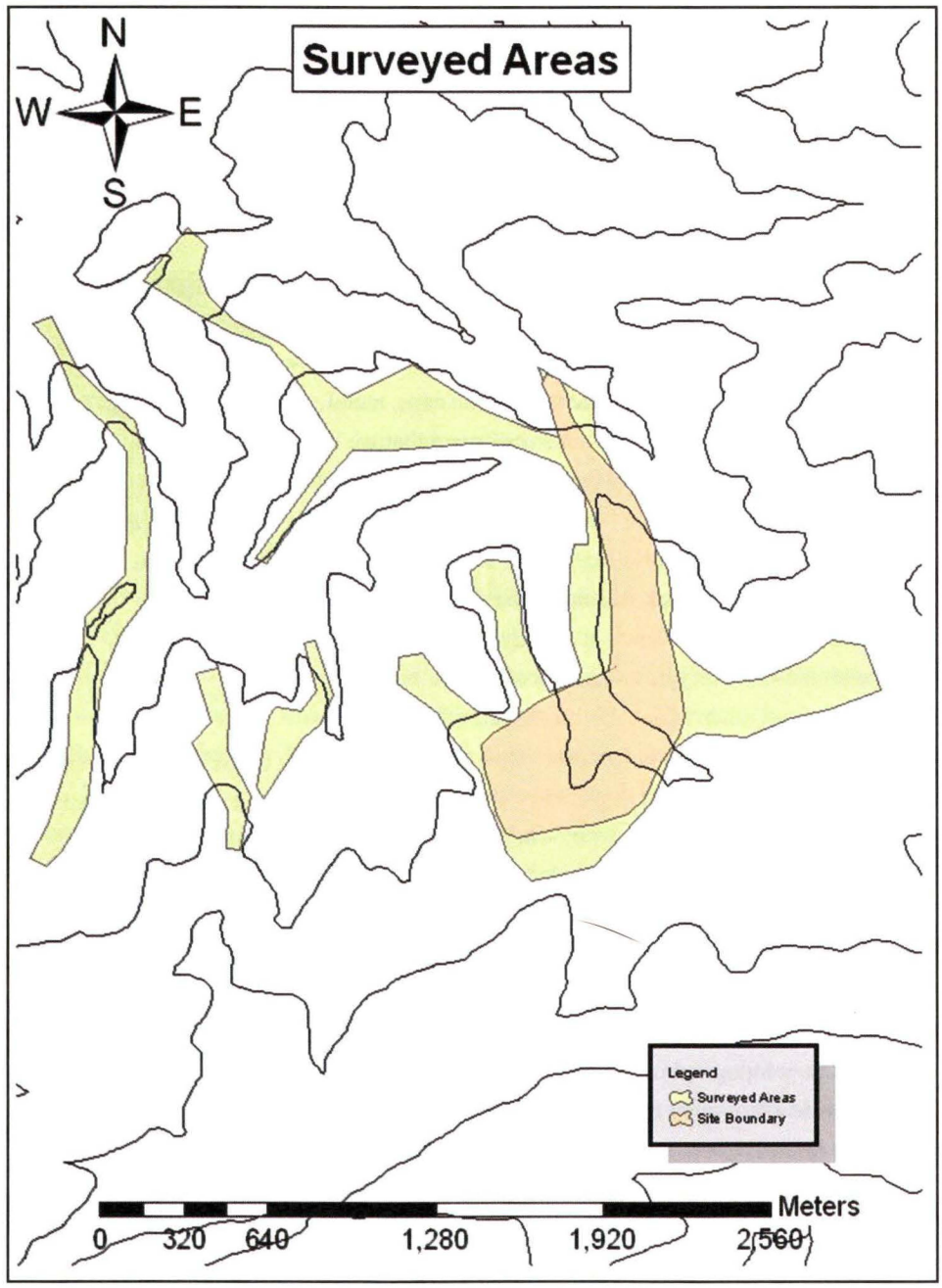

Figure 5. Surveyed areas

and other pertinent provenience information was initially noted, but it soon became apparent that except in unusual circumstances, all artifacts were located between 1 and 5 centimeters below the surface. Since this was not a stratified site, it was decided to only record depth on those artifacts that were outside this range.

The use of GPS units to map sites has proven to be highly effective and efficient (e.g. Smith, Clement and Wise 2003), but in this case, tree cover and terrain proved to be a problem. GPS locations of artifacts provided a convenient method of logging in the artifacts and providing a map of the area that could be updated as the field work progressed, but artifact locations were not precise. For this project, following each field session land surveyors accompanied by archaeologists mapped each artifact using a total station. Metal rebar datum points were established using a Trimble 4700 series geodetic GPS with RTK capabilities, and the entire survey was keyed into a USGS brass cap. The field map generated from the hand-held GPS locations was very useful in relocating the artifacts for the precision mapping with the total station. Although the individual artifact locations recorded by the hand-held GPS units differed from the exact locations shot in with the total station by up to several meters, at the 1:24,000 scale the map of the artifact distributions recorded by the GPS units and those recorded by the total station are practically identical.

Digital maps were generated in ArcView 8.1 for the initial surveys, and later in ArcGIS 9.1, allowing the data to be sorted and plotted in a variety of ways to take a closer look at the distributions of and interrelations between artifacts types. These maps proved invaluable during the surveys and in overall interpretation of the data.

Considering the size of the area to be examined and limited funding, formal excavations and shovel tests were not employed. The battle site was anticipated to have an overall low density of artifacts, spread out over many acres with empty areas in between. This was soon verified during the

Table 1. Identified features

Identified Features	Significance
Old trail from Cieneguilla to Picuris	Access route the soldiers took to the Indian camp. Demonstrates that the Indian camp was near a well known, established trail and that the soldiers were not traveling cross country.
Artifact concentration identifying where soldiers dismounted and were subsequently pinned down.	Confirms soldiers dismounted in the low ground, contradicting court of inquiry testimony and provides insights into the Apache and Dragoon battle tactics. Four soldiers were killed in this location. Indian casualties are unknown.
Artifact concentration identifying where the Apache camp was located.	Location of the Indian camp and location where the soldiers first engaged in battle. Confirms soldiers were in the camp, but demonstrates the small size of the Indian camp. Artifacts provide information about the Apache material culture and camp characteristics. One soldier killed in this location. Indian casualties are unknown.
Artifact concentration at small knoll identifying where the soldiers initially retreated.	Confirms portions of testimony identifying a brief retreat or fall back location before climbing the steep ridge and demonstrates direction of the general troop movement.
Artifact concentration identifying where the final battle took place as the soldiers made their final retreat.	Confirms testimonies and indicates deteriorating condition of troops by number of dropped caps and bullets, and provides insights into the Apache and Dragoon battle tactics. This is where 17 soldiers were killed. Indian casualties are unknown.

field work. Excavation units would not have been effective under these conditions. Excavations would have been time consuming and expensive, and would have restricted the size of the area that could be examined under the limited budget. However, should further detailed research be initiated at the Apache camp or individual troop locations for example, excavations would be an important part of the methodology.

Access to the area was restricted. During the initial field work, access to the site was along closed roads, and the surveyors hiked in. By the final field session, the primary road had been opened up to provide access for tribal elders to visit the site. A gate was constructed across the road a couple of miles from the project location and was kept locked at all times. After field work was completed and tribal visits to the site had been concluded, the road was closed, restricting access to the battle site.

Because of the difficulties protecting the site due to its remote location, and the threat of relic hunters finding the site, one goal of this research was to preserve accurate site information before artifacts were removed. With the anticipated analyses to be conducted, and the number of rare and unusual artifacts discovered, a relatively large percentage of the artifacts were collected. A sample of the artifacts was sketched in the lab by Marilyn Jesmain, an archeologist with the Carson National Forest. The overall sample of the collected artifacts is considered large enough to meet the goals of the research and collect the information before the site is disturbed by relic hunters or natural ground-disturbing processes.

Due to a number of factors—including vegetation coverage, rocks, fallen logs, outcrops, the sometimes steep terrain, the general nature of metal detector surveys including the narrow path actually covered by the detector coil—as well as the differences in expertise of the detector operators, it was anticipated that a large portion of the metal artifacts would not be located during this survey. To test our assumption, we tracked the number of metal tags that had been placed in the ground during the preliminary reconnaissance surveys of the area. These locations were not flagged, and the surveyors were not given the locations of these tags. They were scattered across the battle site, and were all within the area that would be intensively surveyed. Over the course of the intensive survey, a total of 36 out of the 68 tags from the preliminary reconnaissance were initially recovered, or about 53 percent, confirming that not all of the metal artifacts were located during this survey. We then used the GPS map locations to go back and recover the remaining tags and flagged them so they could be added to the final detailed artifact map.

All materials recovered from this project will remain the property of the United States Government or State of New Mexico, depending on the location of the find, and will be curated at a qualified curation facility. Initially, the artifacts were curated in a locked facility at the Carson National Forest. The forest, BLM, National Park Service or Jicarilla Apache Tribe may use a portion of the materials for exhibits or educational purposes. Those artifacts that are not needed for displays will eventually be permanently curated at the Museum of New Mexico.

Survey Results

At completion of the field work, more than 1,000 artifacts had been found (figure 6). Approximately half of the artifacts, primarily battle related, were collected for analyses. Because of the use of metal detectors, the majority of the artifacts recovered were metal. The primary exception was the numerous micaceous ceramics found in the Apache camp. While this undoubtedly skews the information from the Apache camp in particular, most of the military and battle related artifacts were expected to be metal, and the results provide an accurate description of the military action. More research on the Apache camp including formal excavation is warranted to provide more information on the Apache site, Apache material culture, and the Jicarilla occupation of the area.

The artifacts confirm that Dragoons fought here. Dragoon coat buttons, several uniform components such as trouser buttons, an accoutrement hook, military spurs, and a buckle back plate provide firm evidence. Also, ammunition from the .69 caliber musketoon, the .54 caliber horse pistol, and the .44 caliber Colt Dragoon revolver, as well as military style percussion caps, gun tools, and parts for the musketoon were located. An abundance of Apache artifacts including micaceous ceramics, tinklers, awls, metal points and metal debitage, indicated that both a camp and a battle had been located, consistent with the written accounts. All of the artifacts appear to fall into the correct time period.

As important as the types of artifacts collected, the distribution of the artifacts also confirmed that this was the Battle of Cieneguilla. The location and layout of the artifacts closely match written accounts and a sketch map of the battle prepared for Mr. Francisco's testimony in the 1856 court of inquiry (figure 2). The two separate locations of artifacts, one at the Apache camp and horse position, and the other at the ridge where the troops fought just prior to their final retreat, are also positively linked. This link is proven not only by the consistency in types of artifacts found and the similarity in layout to the written descriptions of the battle, but also by a positive match on the hammer marks on two fired percussion caps, one from the camp and one from the retreat route (Weber and Scott: 2003), that confirms the locations are related. Overall, the actual battle and retreat route, including the Apache camp, covers approximately 125 acres.

Apache Artifacts

The Apache acquired many items such as jewelry, clothing, guns, horses, and utilitarian goods through trade, particularly during the long history of the trade fairs at the Taos and Pecos Pueblos. Metal points, for example, have been documented as important trade items among most Indian tribes. When Fort Union was established, post traders brought goods such as kettles, knives, metal points, utensils, blankets, and food staples like flour, sugar and tobacco. Raiding Anglo, Mexican, and Comanche settlements, however, was also an important means of acquiring goods. As a result of the various methods of acquiring goods, and the fact that many other tribes obtained the same goods, many of the individual artifact types described below could be attributed to Apache, Ute, Comanche, Pueblo, Hispanic, or Anglo use of an area. When found in combination, however, they can often be used to distinguish between an American Indian site and a Hispanic or Anglo site. In some cases, Apache sites can be distinguished from other Indian sites by the ceramics and site location. As more information is gathered on historic Indian artifacts, such things as metal point and tinkler styles, method of point manufacture, jewelry styles, and subtle differences in ceramic manufacturing techniques will become more definitive in identifying Apache sites from Ute, Navajo, Comanche, or pueblo sites.

Beads

Glass trade beads of a variety of sizes and colors are often found on Indian sites. They were common trade items in the Southwest between the Spanish and Native Americans. No glass beads were found at the Cieneguilla site, however, one turquoise bead was found on the ridge below the Apache camp. The small flat turquoise disc is drilled somewhat offcenter. It is uncertain whether this was Apache or pueblo in origin.

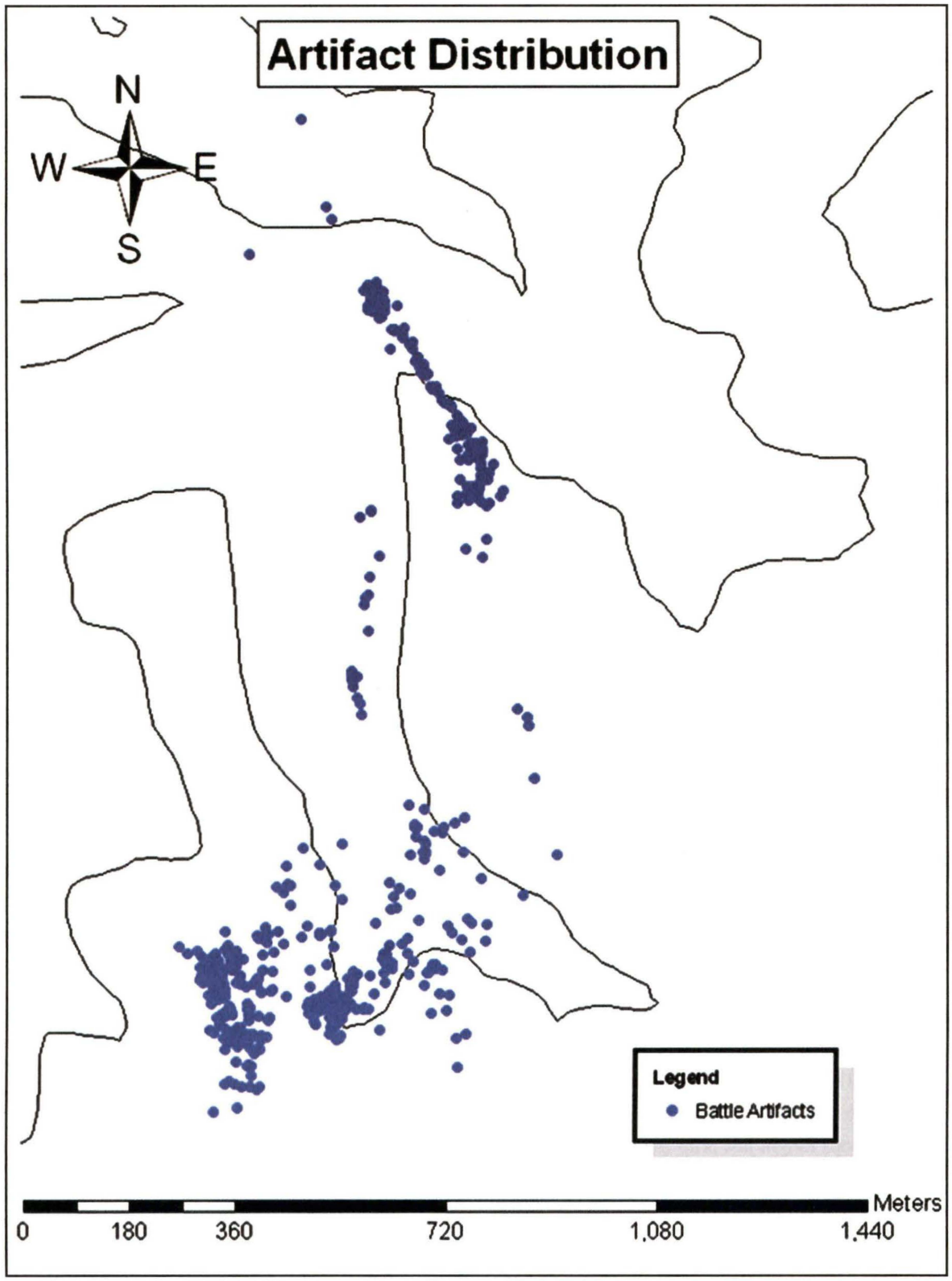

Figure 6. Artifact distribution at the Battle of Cieneguilla

Micaceous Pottery

The most common Apache artifacts found were micaceous sherds, primarily found in the camp area on a narrow ridge (figure 7). The Jicarilla Apache manufactured and used pottery for storage, cooking and trade. Typical Jicarilla Apache micaceous pottery is thin, well made, with striations on the exterior surface (Warren 1981). Another important identifier for Apache ceramics in northern New Mexico is the presence of a flattened rim. Pottery was a common trade item, however, and a small amount of pueblo pottery was also present on the site.

Figure 7. Apache micaceous ceramics

Twenty-nine locations with micaceous sherds were identified in and around the Apache camp and assigned artifact numbers. These numbered locations ranged from small areas with one or two sherds, to scatters of dozens of sherds from multiple vessels. When plotted on a map, it was apparent that there were two distinct concentrations of ceramic scatters on the site, located about 60 meters apart.

Samples were collected from 13 of the ceramic locations. All but one of the rim sherds collected exhibited a thickened and flattened rim, with or without a flair to the outside, typical of Apache ceramics. One rim had a thin, rounded to sharp edge, more indicative of pueblo styles. A small concentration of San Juan ware was also noted on the site.

Fifteen sherds were submitted for Neutron Activation Analysis, and 14 of these were analyzed. The results were compared to known clay sources used by the Jicarilla Apache. All of the clay sources identified were located within 10 miles of the Apache Camp with several matching clay sources in the immediate vicinity of the camp (Eiselt 2005).

Metal Arrow Points

With the introduction of metal from Europeans by the late 17th century, early metal trade points and the materials to manufacture them soon replaced stone arrow points (Thompson 1980:2, Russell 1967:326-330). "Hundreds of thousands were manufactured for exchange for furs. They were put in packages of one dozen each, cost the traders six cents a package, and were the means for obtaining enormous profits" (Wallace and Hoebel 1954:104). In 1701, a single shipment to Fort Biloxi, Mississippi, included 1,800 iron arrowheads "for presents to be given to the savages" (Hamilton, 1980:16). By the middle to late 19th century, scrap metal was readily available for use in arrow point manufacture from wagon parts, trunks, barrel hoops, and utensils. Points were usually chiseled out of a strip of barrel band or other suitable metal and then filed to refine the shape and sharpen the edge. Commercially made trade points can

Figure 8. Sample of metal points from the battle

often be identified by their uniform shape and thickness, beveled edges, and consistency in size and proportions. Some are stamped with manufacturers marks. Copper or brass points are sometimes found. The source of the copper may have been the copper or brass cooking kettles that were widely traded at this time. When the kettles became damaged, the metal was often used for arrow point and jewelry manufacture. Hammered out copper coins were also utilized for arrow points. Metal points were produced during a relatively brief period of less than 2 centuries (Thompson 1980).

Forty-one metal points were found on the battle site (figure 8). Most appeared to have been cut from barrel bands, but some might have been commercially manufactured trade points. It is remarkable that there is little consistency in the size or shape of the points at this site. In contrast, the size and shape of metal points from Mescalero Apache sites on the Lincoln National Forest in southern New Mexico are generally consistent in size and shape. This variation on the Cieneguilla battle may be a result of the Taos trade fairs, where points may have been available from a variety of sources in a variety of styles. It is also possible that a number of different bands were present at the battle, each with their own point style. The studies involving the Mescalero Apache were in a remote area, where the Apache would have had fewer contacts to acquire points. Additional research is needed to see if this variety of point styles is typical of other Jicarilla Apache sites.

Metal Arrow Point Blanks

"Blanks" consisting of small rectangular pieces of barrel band, generally chisel cut on the ends, are often found on Apache sites. Short strips or sections of bands are also common, and are presumed to be for point or other tool manufacture. One piece of barrel band, probably a point blank, and one unfinished point were found on this site.

Metal Arrow Point Debitage

Small pieces of metal, cut from a barrel band or other piece of metal, are commonly found on Apache camp sites. This scrap metal debitage is primarily the result of point manufacture. The chisel-cut fragments exhibit uneven linear cuts and the lateral margins of the fragments are stretched and uneven. The iron fragments can be long triangular cut pieces or small square or trapezoidal shaped angular fragments. The long triangular pieces represent the areas cut out along the point edges and the small square angular pieces often represent the tang and stem cuts. The shear-cut fragments tend to curl when cut. The shapes of the shear cuts mirror the chisel cuts. These fragments are fairly thick, generally from 1 to 1.5 millimeters, are consistent with the thickness of barrel hoops and metal straps, and are thicker than the debris left from tinkler manufacture.

Fifteen locations of metal debitage were recorded, many forming a distinct cluster of artifacts somewhat between the two ceramic concentrations in the Apache camp. The debitage offers firm evidence that the Jicarilla were making their own points on the site. A number of the debitage pieces were trapezoidal in shape. All appear to have been chisel cut. Most of the metal debitage is located near the southern ceramic concentration.

Metal Tinklers or Jingles

Another common Apache artifact is the small metal "tinkler" or "jingle." These are small conical tin or brass ornaments. They are made by cutting sheet metal into triangles or trapezoids and curling them into cones. When the tinklers are curled, the ends either meet in the center or overlap to the right or left. The overlap may be the result of left or right-handedness, learned tradition, or by chance. The Apache often obtained sheet metal by flattening cans after removing the tops and bottoms. Brass was obtained through trade or raiding, or from cutting up brass kettles and other utensils. The metal cones were attached with cords or buckskin thongs as ornaments on clothing, moccasins, bags, baskets, and quivers. When the clothing or object was in motion, the cones hit each other producing a tinkling or jingling sound. In the late 19th century, brass cartridges flattened on the end and pierced through the base or flattened end were often used as tinklers.

The origin of tinklers is unclear. Prior to European contact, American Indians often used shell, animal claws, hooves, and other items as ornamentations on clothing and other objects, and it may have been a natural choice to switch to metal once it became available. Another possible origin could be the rolled metal aglets, or lace chapes, which the early Spanish used throughout the 16th century as lace ends and ornamentations (Deagan 2002:174-175). During the 18th century, popular trade items in the northwest included silver ear rings with "bobs" or small silver cone attached. Kavanagh (1996) notes that in 1795 small bells and "jingles" were being traded to the Indians in northern New Mexico. Jingle is another term for tinkler, and this may have been a reference to tinklers as trade items. By the 19th century, metal tinklers were being manufactured by the Indians in the southwest (Adams et al. 2000).

Twelve metal tinklers were found on the battle site (figure 9). Three tinklers were brass, and the rest were tin or iron. Seven were in the Apache camp, one was across the creek near the initial retreat route, and the rest were scattered along the slope below the camp.

Metal Tinkler Manufacturing Debris

The manufacture of tinklers produces diagnostic byproducts (figure 9). Shear and/or chisel-cut can fragments, tin, or brass,

Figure 9. Metal tinklers and tinkler manufacturing debris

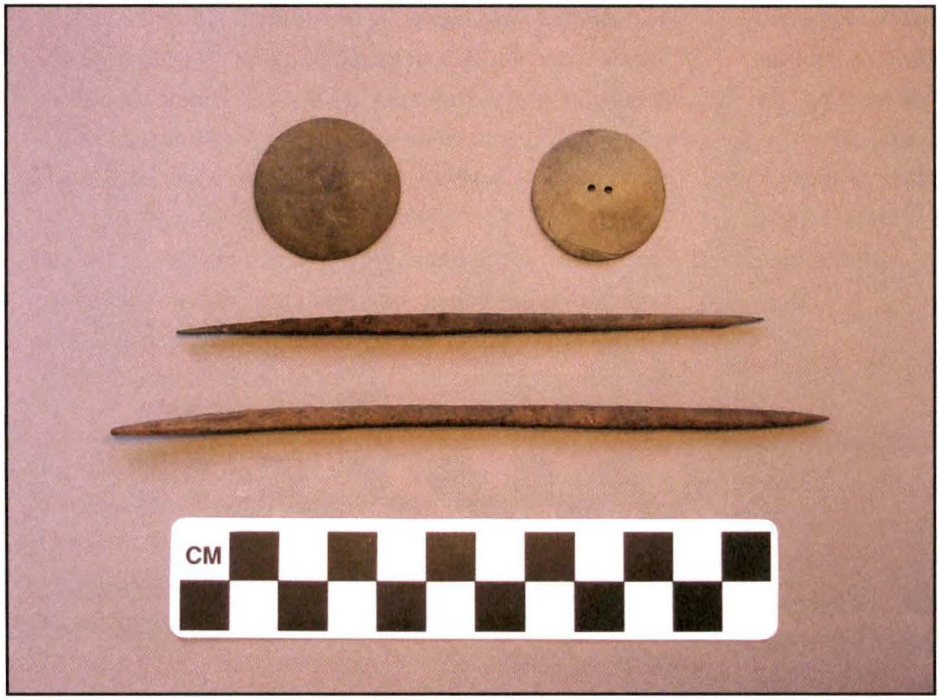

Figure 10. Conchos and metal awls

either in the form of blanks for manufacturing tinklers or the scraps of metal discarded from the production of tinklers can often be identified. They are generally thin, irregularly shaped slivers and pieces of cut metal.

One cache of more than a dozen brass scraps was located. The scraps are approximately the same thickness as the three brass cone tinklers, which were recovered less than 70 meters from this cache. A small metal clasp or hook found with the brass pieces may indicate that these were once held in a cloth or leather bag of American or European manufacture.

One brass kettle fragment with a hand-forged iron handle attachment exhibited numerous chisel cuts indicating that it was being used as a source of metal for tinklers or other ornaments (figure 9). It was found near the brass scraps mentioned above and may have come from the same kettle. Two pieces of a thin brass container lid embossed with a date of 1844 was also recovered.

Iron Awls

Six iron awls of various sizes were found on the site (figure 10). Most are made from square metal stock, with the ends rounded and pointed. Awls of these types were probably multi-purpose tools as they could have been used to punch holes in hides, in the construction of baskets, and possibly in the manufacture of tin tinklers. An offset awl is a specific type of awl consisting of a long piece of iron, usually square in cross section, with both ends pointed, but instead of being straight, this type of awl has a bend or "dog leg" near the middle. No offset awls were found on this site, but one was found at an Apache site nearby.

Metal Conchos

Brass or copper conchos have been found on Apache sites. They are generally handmade, are hammered into shape, and usually have two holes drilled near the center. The brass or copper may have been obtained from kettles or coins. Three conchos were found in the Apache camp (figure 10). Two are solid, and one has two small holes drilled near the center. All three are similar in size and thickness. They are located in the northern ceramic concentration, not far from the brass scraps, and may have been manufactured on the site.

Coscojos

"Coscojo" refers to a jingle that is attached to a bridle or bit. It is characterized by a flat strip of iron that is either filed or hammered with a loop at one end and hangs like a pendant (Simmons and Turley 1980:115). They sometimes contain decorative filed notches along the flat end of the pendant (Haecker and Mauck 1997). It appears that these items

were highly valued by the Apache. Coscojos have been recovered on most known Apache camps and battle sites in the Guadalupe Mountains in southern New Mexico (Adams, White and Johnson 2000a,b), and four were found on this Apache camp and one of the nearby Apache camps as well (figure 11).

Military Buttons

Military buttons are often found on both military and Apache sites and may have been procured through trade or warfare. The military buttons on this battle site are believed to be associated with the Dragoons based on their provenience. It is likely, however, that after this battle, several Apache were sporting military jackets. Two brass Dragoon cuff buttons depicting an eagle with a "D" in the shield and four plain pewter or white metal four-hole trouser buttons of two different sizes were found (figure 16). Two of the trouser buttons and one spur were found in the Apache camp, probably from when the Dragoons first entered the camp. The uniform cuff buttons were manufactured by Scovills & Company between 1840 and 1850 (Tice 1997:31).

Iron Fire Steel/Strikers

Hand-forged fire steel/iron strikers were used to make fire when struck against flint. This item was very common during early frontier years, and it was either commercially made in bulk or it could have easily been made by blacksmiths, often from discarded files. Half of a fire striker was found on the trail near the battle, but is probably not battle related. However, this artifact as well as others found along the access trail, confirm that the trail visible today was a historic trail, most likely the established route between Picuris and Cieneguilla.

Iron Scrapers

Barrel band scrapers measuring 7 to 10 cm in length have also been found on Apache sites. One edge along the side and both ends are often worn. This type of tool is easily made and its primary purpose would have been preparing hides. Two possible metal scrapers were found, but neither was within the Apache camp.

Figure 11. Coscojos

Knives

Trade knives and knives made from barrel bands are also found on Apache sites. Two knives and one knife or straight razor fragment were found on the site, none within the Apache camp.

Needles

Large needles and fishhooks are often recovered from Apache sites. Fishhooks are probably associated with

Apache activities such as sewing or basket making rather than fishing. On this site, one large curved canvass needle was located in the Apache camp. Several sewing needles were also found on the trail leading to the battle site, but they were probably not battle related, and were most likely dropped by someone traveling the trail from Cieneguilla to Picuris.

Thimbles

Thimbles, particularly the ones with open ends, were common trade items and were used as much for decoration as for sewing. One open ended thimble was found on the trail leading up to the battle site and was found not far from some sewing needles. It is likely that a traveler on the trail dropped a sewing kit.

Firearms

Without a written account detailing which weapons the Apache used and which were used by the military, it is difficult to assign cultural affiliations to these artifacts. Any one of these artifacts found in isolation would be impossible to attribute to Apache, military, or civilian use. Flintlocks were often used by the Apache well after the introduction of percussion caps and metal cartridges because they were easy to maintain, and ammunition was easier to fabricate. In this research we knew what firearms the Dragoons carried, so it was assumed that gun parts and ammunition of calibers and makes that were not attributable to the Dragoons were from the Jicarilla. One trigger guard from an older flintlock pistol was found near the camp. One possible gun spring from an unidentified firearm was also located. Several different calibers of guns were apparently used, as shown by a variety of sizes of Apache lead balls recovered from the site.

Cut and Chewed Lead Balls

Apache often used irregularly shaped pieces of lead cut from a larger piece or from lead rods or bars to use as ammunition. Cut marks, knife marks, etc., are often visible, and the bullet is not always round. Often, the piece of lead was chewed to get the size and shape to fit the caliber of the firearm, a practice documented on the frontier in the 1850s (Kurz 1937:322). These chewed lead ball fragments illustrate the adaptability the Apache had when ammunition was scarce. On this battle site, several dozen examples of both chewed balls and cut pieces of lead were found, and were attributed to the Apache (figure 12).

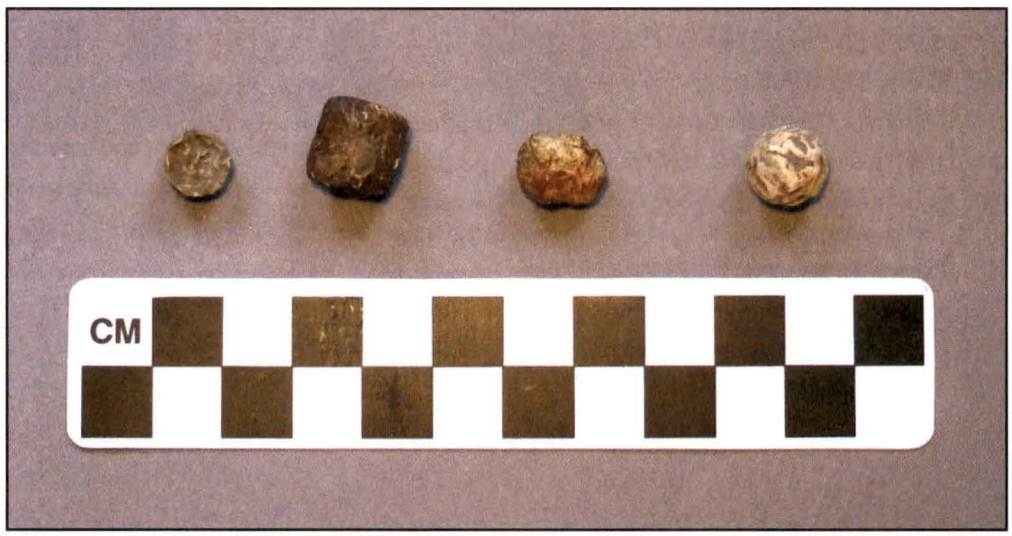

Figure 12. Apache cut and chewed balls

Kettle Fragments

Pieces of Dutch ovens and cast iron kettles are sometimes found on Apache sites, particularly on later sites. On this site, several fragments of a brass kettle were found. One fragment had a hand-forged iron handle attachment with the handle missing (figure 9). This particular fragment had numerous chisel marks, and was apparently cut up to make tinklers or other items. Several small cut pieces of brass were found nearby.

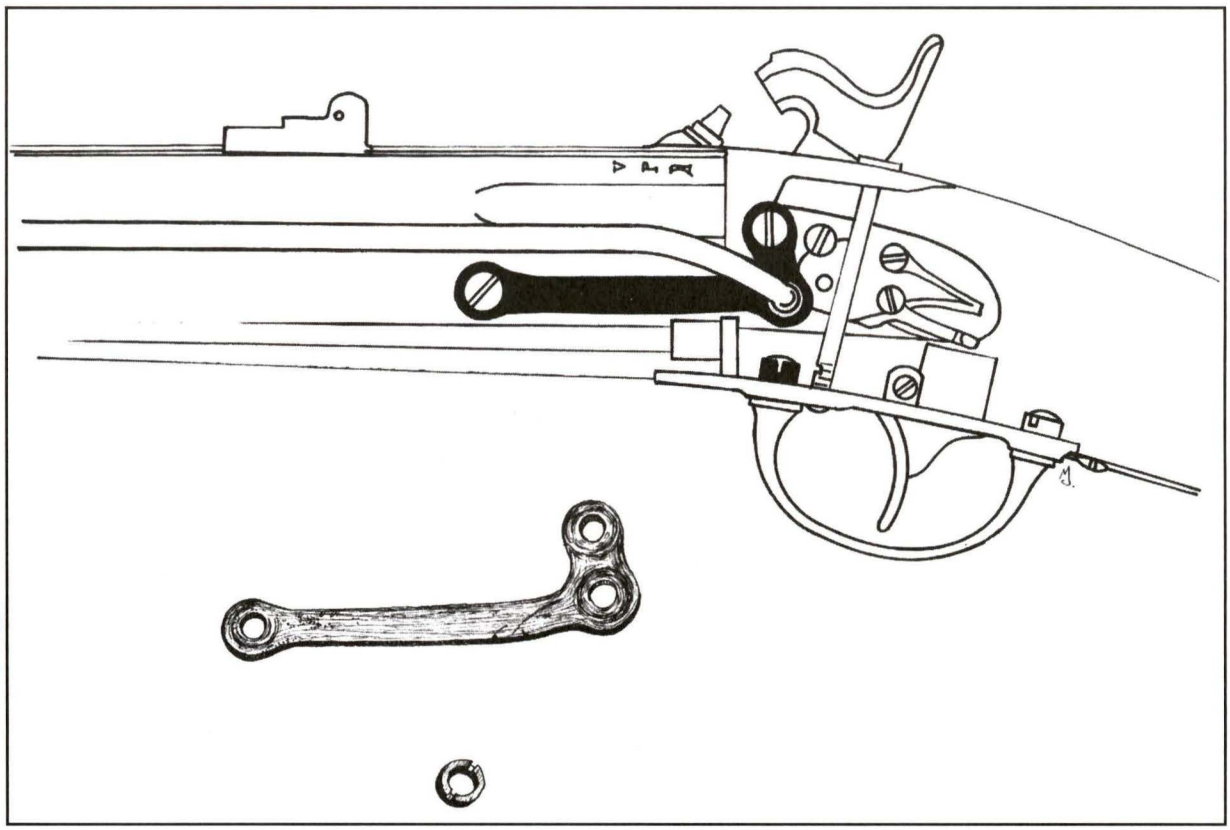

Figure 13. A Musketoon side plate and trigger guard screw, 1847

Civilian Clothing Buttons

A variety of metal, bone, and shell buttons are sometimes found, particularly on later Apache camp sites, and could have been obtained through trading and raiding. Most of the buttons found on this site were military, and are believed to be associated with the Dragoons. One small brass button with a metal shank was found on the battle site.

Military Artifacts

Firearms

The Dragoons were using the model 1847 .69 caliber musketoon, the 1842 .54 caliber "horse pistol," and the Colt .45 Dragoon revolver. Ammunition for all three of these guns was found. It was assumed that gun parts and ammunition of other calibers and makes were from the Jicarilla. No firearms were found but several gun screws, one from an 1847 musketoon trigger guard, and one brass side plate from a model 1847 musketoon were recovered (figure 13).

Gun Parts

Sometimes gun parts for military arms can help to identify a military site. Several gun screws were found on the site. One brass side plate and trigger guard screw from a model 1847 cavalry musketoon (Hicks 1962: 43) was found on the site (figures 12 and 13).

Gun Tools

The military issued gun tools specific to their various weapons (Shaffer, Rutledge and Dorsey 1992). The tools were generally carried with the soldiers and were sometimes lost. Two model 1847 musketoon worms and two model 1847 musketoon combination screwdriver/nipple wrench tools were found on the site, all along the final retreat route (figure 14).

Percussion Caps

The typical military percussion cap looks like a small top hat, with the rim divided into four segments that flare out when fired. Pistols used a smaller cap without the flared "rim" at the bottom. There were 124 percussion caps found on this site, more than 100 were identified as military caps. The military caps were analyzed to look for hammer marks in an attempt to track troop movements (Weber and Scott 2003, 2007). Four sets of matches were identified, most clustering around the horse position, but one match involved a fired cap in the Apache camp, and another on the narrow ridge of the final retreat, providing further proof that the two areas where artifacts were recovered are related. Approximately 60 percent of the caps were dropped, with the largest portion of the dropped caps distributed along the final retreat route.

Figure 14. Musketoon tools and side plate, 1847

Figure 15. Military balls

Lead Balls

One of the most common military artifacts found on the battle site were dropped and fired .69 caliber and .54 caliber lead balls (figure 15). More than 50 military balls that were located appear to have been dropped. Many of the dropped .69 caliber

musketoon balls also had three .31 caliber balls or buckshot associated with them, forming a "buck and ball" load (Thomas and Thomas 1996:50). One .54 caliber buck and ball load was also found. Only two .44 caliber conical bullets from the Colt Dragoon revolver were found, and both appear to have been dropped. The military balls were all very uniform in size and well made. It is difficult at this time to determine which of the fired balls were from the Dragoons and which were from the Apache. Many of the fired balls would have been embedded in trees that have since been removed and others may have traveled far beyond the site before dropping to the ground. For these reasons, it is impossible to determine the actual percentage of fired vs. dropped balls. The largest portion of dropped balls was along the final retreat route.

Military Buttons

Military buttons are often found on both military and Apache sites. Two brass Dragoon cuff buttons depicting an eagle with a "D" in the shield and four plain pewter or white metal four-hole trouser buttons of two different sizes were found (figure 16). Two of the trouser buttons and one spur were found in the Apache camp, probably from when the Dragoons first entered the camp. The uniform cuff buttons were manufactured by Scovills & Company between 1840 and 1850 (Tice 1997:31).

Spurs

Spurs were issued to the enlisted men and were produced following strict standards. They are generally readily identifiable. The officers would purchase their own spurs, but they purchased them from military suppliers and they, too, can often be identified. The military issue spur for theDragoons for this particular time period, however, has not been positively identified. It is presumed that the Grimsley Spur designed in 1847 went into production in 1851, and was the official spur until the 1859 spur replaced it (Dorsey 2000). The exact configuration of the spur, however, is uncertain. The spurs illustrated in Dorsey (2000:21) and Steffen (1978:167) have a straight shank and rounded strap ends as opposed to the 1859 spur that has a curved shank and squared strap ends, but Dorsey doubts that the spurs as illustrated were ever produced (Ibid: 22).

Four spurs were located on the site (figure 17). Two are solid brass military style spurs, and two are brass-plated iron spurs, presumable purchased by the officers. They are all similar in size and shape.

The solid brass spurs found on the site are almost identical to a spur drawn by Steffen as a model 1872 military spur (Steffen 1978: 183), but identified by Dorsey as a

Figure 16. Military buttons

commercially produced spur often misidentified as a military spur from 1860 to 1890 (Dorsey 2000:57-58). The Army spurs illustrated in the 1865 Russell and Erwin catalog are also very similar (Russell and Erwin, 1865: 102). The brass spurs from the site have flat sided shafts, and the strap box tapers down to the arms (figure 18). They differ in the height of the shaft, and the middle section of the arms or yokes is narrower than the ones illustrated by Dorsey. They are also similar to the model 1859 military spur but have some significant differences. The casting is smooth as opposed to the stippled appearance of some 1959 spurs, and the strap ends, although basically square on the end, gently diminish in size as it connects to the yoke. The yokes narrow at the midpoint, and then expand again toward the strap box, making it difficult to determine where the yoke ends and the strap box begins.

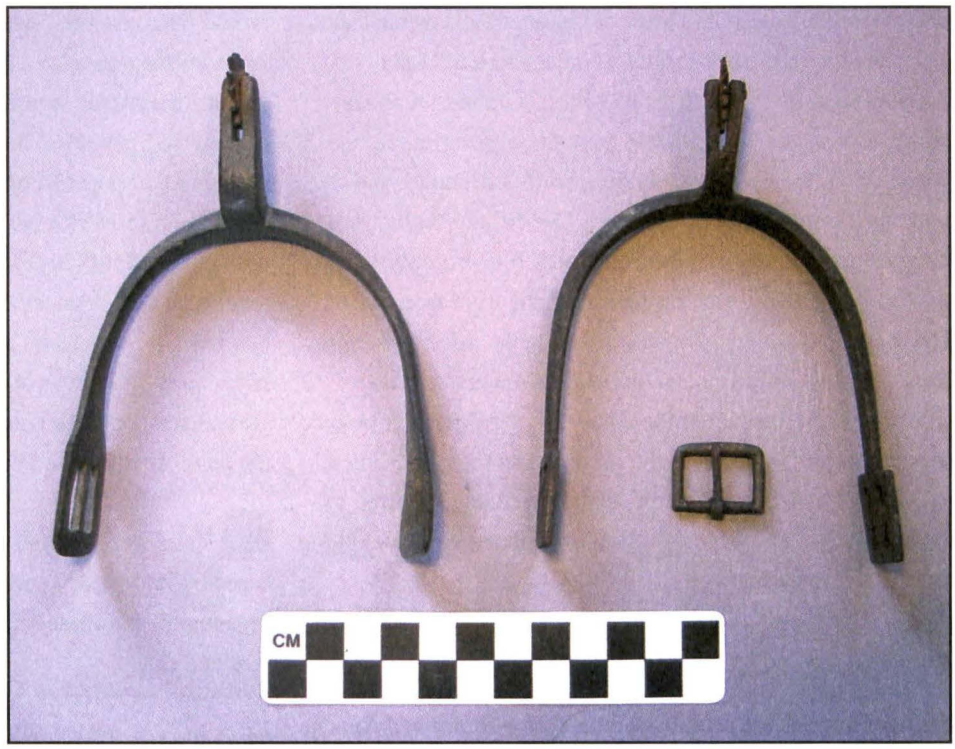

Figure 17. Military Spurs

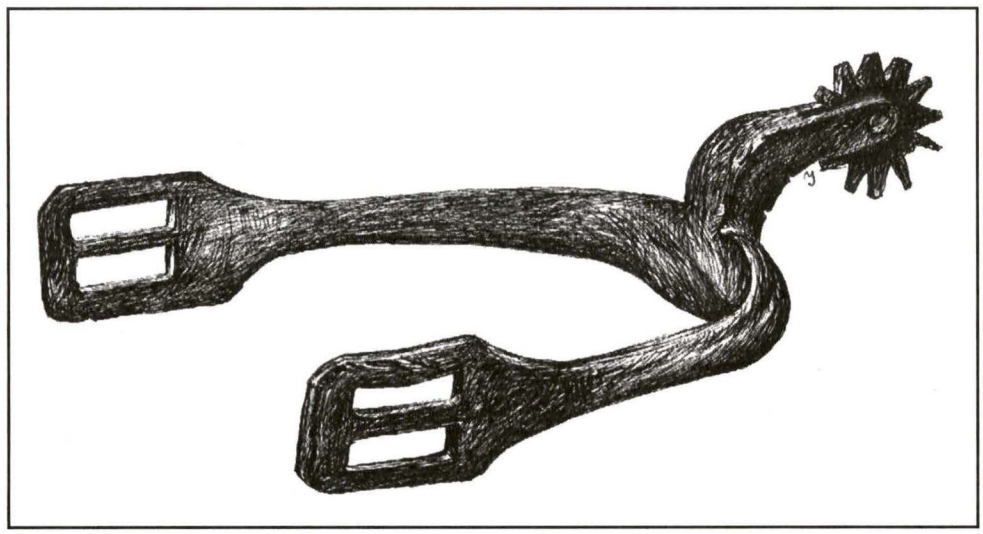

Figure 18. Brass enlisted man's spur

Two different sizes of spurs were recovered. One has arms that are 4-1/2 inches measured around the circumference from the center of the shaft, and the other has 4-3/4 inch arms. The shank on the smaller spur is 1-1/4 inches long, and the other spur's shaft is 1-1/8 inches long; both have flat sides. The strap holes average 11/16 inches wide, and would best fit a 5/8 inch-wide strap. The rowels on the two spurs are different sizes. The larger spur has a 1 inch military style rowel with 12 teeth, and the smaller spur has a 7/8 inch diameter rowel with 12 teeth. The rowels are not perfectly round. The inside surface of the spur is smooth, and there is no groove as in the later models of the 1859 spur.

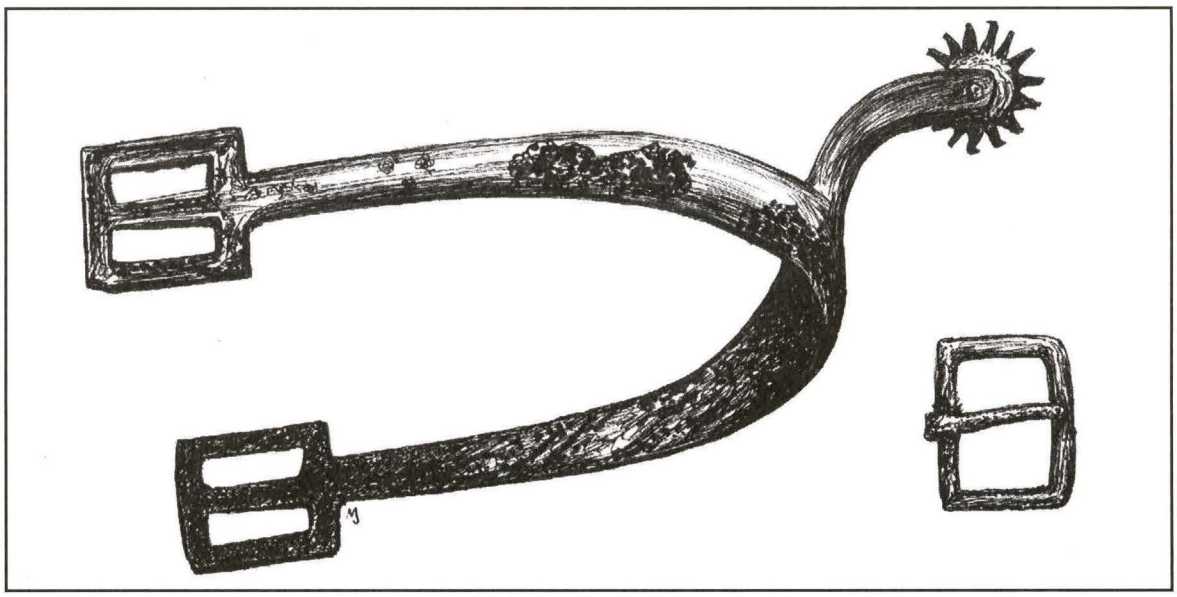

Figure 19. Plated officer's spur

Without the original drawings of the model 1851 Grimsley spur, it is impossible to determine exactly what they should look like. The spurs found on this project were on a battle site that we can positively date to March 30, 1854, and generally conform to the military style spurs. Lacking any evidence that any other spur was issued between 1847 and 1859, and assuming the enlisted men would have been issued spurs as part of their uniforms, it is entirely possible that the brass spurs found on this site are examples of the model 1851 military spur (which is presumed to be the 1847 Grimsley design), and may have been the model for the commercially produced spurs from the 1860s to 1890s.

The two plated spurs are similar to the solid brass spurs in form, with a few notable differences; the metal is thinner, the spurs are lighter, and the strap ends are square and slightly narrower with 5/8 inch-wide strap holes (figure 19). These spurs are very similar in appearance to the early 1959 officer's spur illustrated in Dorsey (2000:35), but have slightly higher shafts and narrower strap boxes. The plated Army spurs in the Russell and Erwin catalog are also very similar (Russell and Erwin 1865:102). The plated spurs found on the site are two sizes; one with 4-11/16 inch yokes, and the other with 4-7/8 inch yokes. The rowels on these spurs are also different sizes and slightly out of round. The smaller spur has a 3/4-inch diameter rowel with 16 teeth on a 1 inch shaft, while the larger spur has 18 teeth and is 1-1/8 inches in diameter on a 1-1/4 inch shaft. Both shafts are slightly rounded.

A strap buckle was found with the smaller spur. It is a rectangular brass plated iron buckle with slightly rounded corners on the outside edge and measures 1 x 3/4 inches, with an inside width of 11/16 inch. These plated spurs are examples of the officer's spur styles that would have been available from suppliers in New Mexico at the time.

Accoutrement Hook

One accoutrement hook from a model 1851 saber belt was found on the retreat route (Todd 1974). The hook is bent, and has what appears to be lead residue from a bullet where it may have been shot off a Dragoon's belt (figure 20).

Buckles

Iron and brass buckles, commonly associated with the common horse tack as well as clothing, are sometimes found on military sites. Uniform and equipment buckles are often brass and well made.

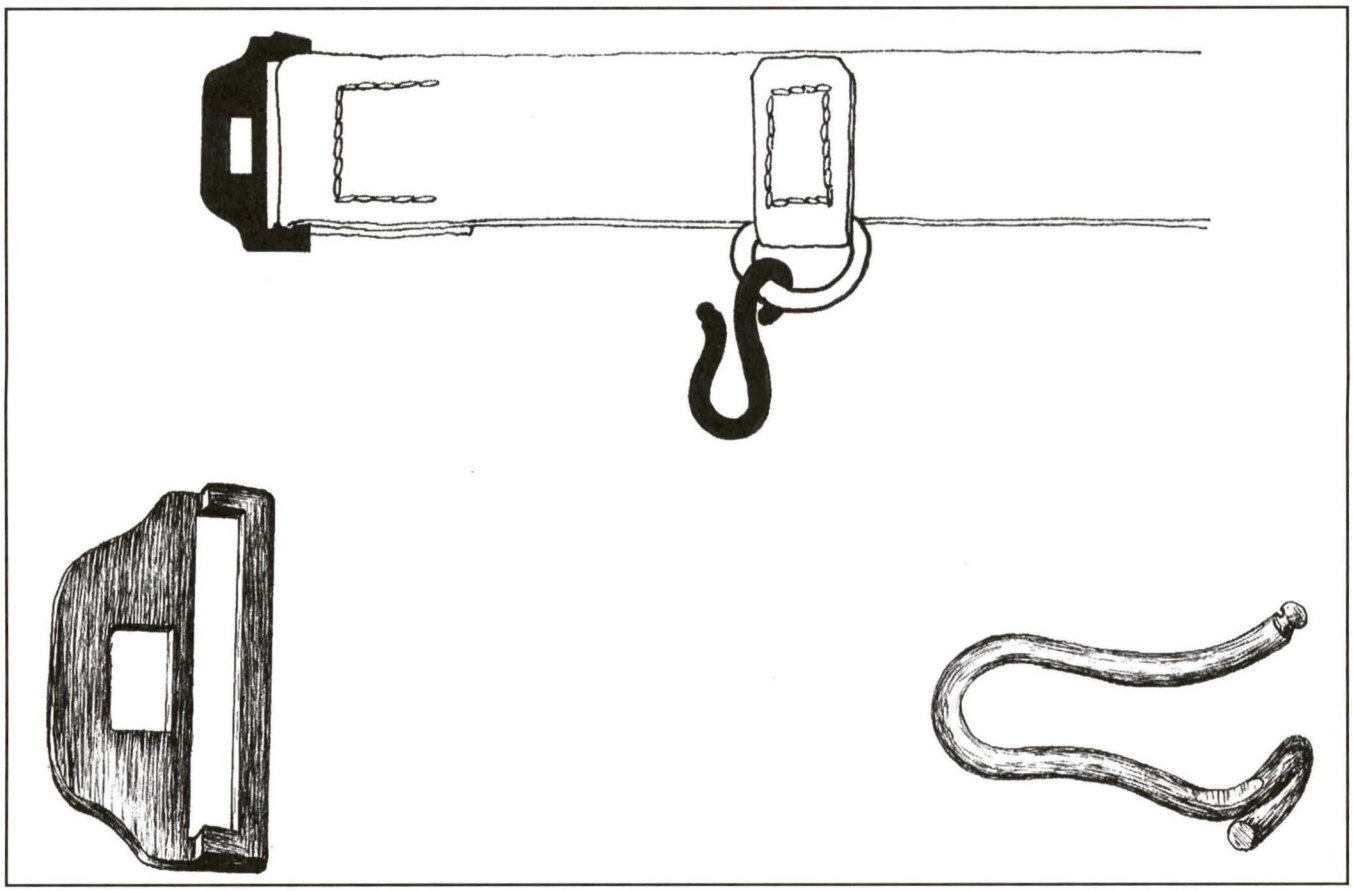

Figure 20. Buckle back plate and accoutrement hook

One brass buckle back plate for a model 1851 equipment belt (Todd 1974) was located (figure 20). One spur strap buckle for a military officer's spur was found with a spur. It is iron and has rounded corners on the outside edge. A brass trouser buckle for the 1851 uniform trouser was found at the final retreat route.

Boot Toe or Heeltaps

Boot taps were a common item found on soldier's boots during the 19th century. Two iron heel taps, one with a boot nail, were found on the battle site.

Boot Nails

Military boot nails cannot be distinguished from any other boot nail, but when a site has already been identified as military, boot nails can be useful for determining where soldiers had been on the site. On this site, boot nails were important in tracking troop movement during the retreat. Thirteen nails were recovered at the horse position and retreat route.

Camp Equipment

Various types of military canteens, mess kits, camp stoves, etc., have been produced and described and may be helpful in identifying military sites. On this site, one mess kit handle was found along the trail just below the steep ridge the troops climbed to get away from the Apache.

Horseshoes and Horseshoe Nails

As with boot nails, military horseshoes and horseshoe nails can be impossible to distinguish from civilian, but once a site has been identified, the presence may help show where

the horses were picketed. One of the important goals of this research was to identify where the soldiers dismounted and tethered their horses when the Dragoons advanced on the camp location. Several horseshoes and horseshoe nails found in conjunction with a concentration of percussion caps, fired Apache balls, and dropped caps and military balls helped to identify this part of the battle.

Interpretation of the Results: The Battle

Because the precise locations of the artifacts were recorded, they can be sorted and plotted on a map in various combinations to aid in interpretation of the battle (figure 21). The distribution maps along with the descriptions of the types and conditions of the artifacts, the 1856 sketch map and various accounts of the battle clarify several questions surrounding this engagement, many of which were raised during the court of inquiry. And while the evidence demonstrates that most of the descriptions of the battle are generally accurate, it also shows that several of the accusations made by Lt. Bell in his letter of December 27, 1854, are largely correct, and reveals some important differences between the written accounts and the archeological record.

The following account of the battle is based on the archeological evidence, with excerpts from the court of inquiry testimonies (United States Government 1856b):

> "We left Cant. Burgwin on the afternoon of the 29th of March 1854, between 3 & 4 o'clock in the afternoon. We arrived sometime in the night at the Cieneguilla. We remained there until the peak of day the morning after, when the command saddled up, left & continued on the 'l Embudo trail. We followed the trail but a short distance & then left it to our right [left]. After leaving the trail not over three miles & I do not know whether it was quite that, we found the trail of Indians, large, & fresh."

The Dragoons left Cieneguilla early in the morning and headed up the trail to Embudo. Two Dragoons and Davidson's scout were sent on up what is now known as the Apodaca trail to see if the Indians had crossed the Rio Grande near Embudo Plaza. But before they crested Apodaca Pass, they saw the smoke from the Apache's campfires to the east. One of the Dragoons was sent back down the trail to inform Davidson. It seems odd that Davidson would send his scout on an errand and not keep him in his company as they approached the Indian camp. The scout was likely the only one fluent in Spanish and certainly the only one who may have spoken Apache.

The remaining Dragoons split off the trail to head into the mountains to the east of them. The written accounts seem to suggest that the Dragoons were going cross country when they left the Embudo/Santa Fe trail to head up into the mountains, but it is most likely they turned off onto an existing trail that leads from Cieneguilla to Picuris. Although no archeological evidence was found near the trail to Embudo to confirm that the soldiers had left the trail to follow the Picuris trail, the cañon sides are too steep to have been climbed, and the cañon bottom is blocked by rock outcrops and narrow passages. This is the only reasonable way to get to the area of the battle.

This well established trail has been in place for many years. The earliest written reference to this trail is the account of Roque Madrid, who in 1705 left Picuris toward Cieneguilla along a trail through Agua Caliente Cañon (Hendricks and Wilson 1996:13, 66). The trail, along with several others in the immediate vicinity, is shown on an 1876 plat of the Cieneguilla Land Grant which encompasses the area of the battle. The trail to Embudo is identified on the plat as the old road from Santa Fe to Taos. Several other trails are also shown in the area. In the Court of Private Land Claims in 1895 and 1896, during which the Cieneguilla Grant was rejected, testimony by Albino Lopez verifies that there were several trails in the area, including the "Agua Caliente Trail" from Cieneguilla to Picuris (United States Government 1895). The Agua Caliente trail is shown on the plat of the grant as the trail to Picuris. Picuris Governor Martinez's account of the battle also notes that the Jicarilla came into the area along a trail from Pilar to Picuris, and that the troops left following an old trail (Martinez 1965). The footprint of the old trail is now fading, but it is still discernable today.

The Agua Caliente Trail branches off from the main trail to Embudo, climbs the steep slope of a ridge to the southeast, makes one switchback, and then heads up the ridge. The trail in this area is quite steep, but a few wagon parts noted

on the trail indicate that this was once a major transportation route. Where the trail reaches the top of the ridge, there are several rock piles. The purpose of the rock piles is unknown, but it is possible that they are the remains of descansos, possibly where crosses were erected while moving the bodies of the dead dragoons back down the trail to Taos. Two hand-forged nails bent at 90-degree angles as might be expected for nailing together a small wooden cross were found at one of these rock piles. From this point, the trail heads toward a narrow saddle in the ridge. The trail crosses the saddle and then passes along the western slopes of the ridge adjacent to a deep cañon. The Dragoons picked up the Indian's tracks as they neared the Agua Caliente. The Apache were camped up a small side cañon just ahead. The metal detector survey located numerous artifacts in this area, primarily dating from the 19th century that were associated with travel along the trail, and confirms that it was in use for a long time (figure 22). While the majority of these artifacts were not related to the battle, they confirm that this was the historic trail and that it was in use at the approximate time of the battle. The artifacts included a silver filigree earring, iron fire striker or chispa, a thimble, sewing needles, horseshoes and coscojos. A few battle related items were found, apparently representing overshot bullets and points from the actual battle location. Following this trail on horseback, it is unlikely that it took the troops much more than an hour and a half to reach the Apache camp from Cieneguilla (Hawk 2005).

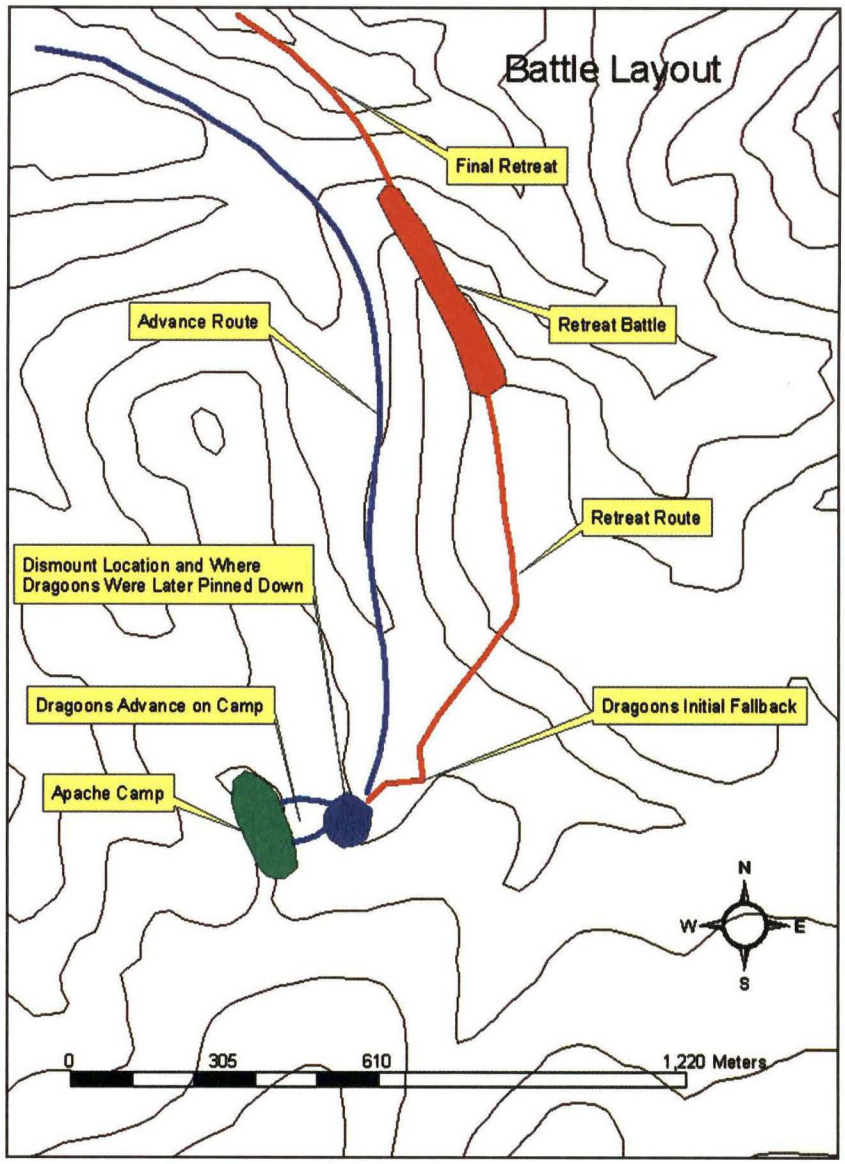

Figure 21. Battle layout

> "The first indications I had of Indians, I heard them yelling. Some of the old soldiers said it was the war whoop & I had better cap my piece. We marched up the side of the hill to the right of the ravine. We had been moving up I think about four or five hundred yards, when we dismounted, hitched our horses to the trees and here formed in two platoons. The Indians were about a hundred or a hundred and twenty yards above us on the hill in plain sight."

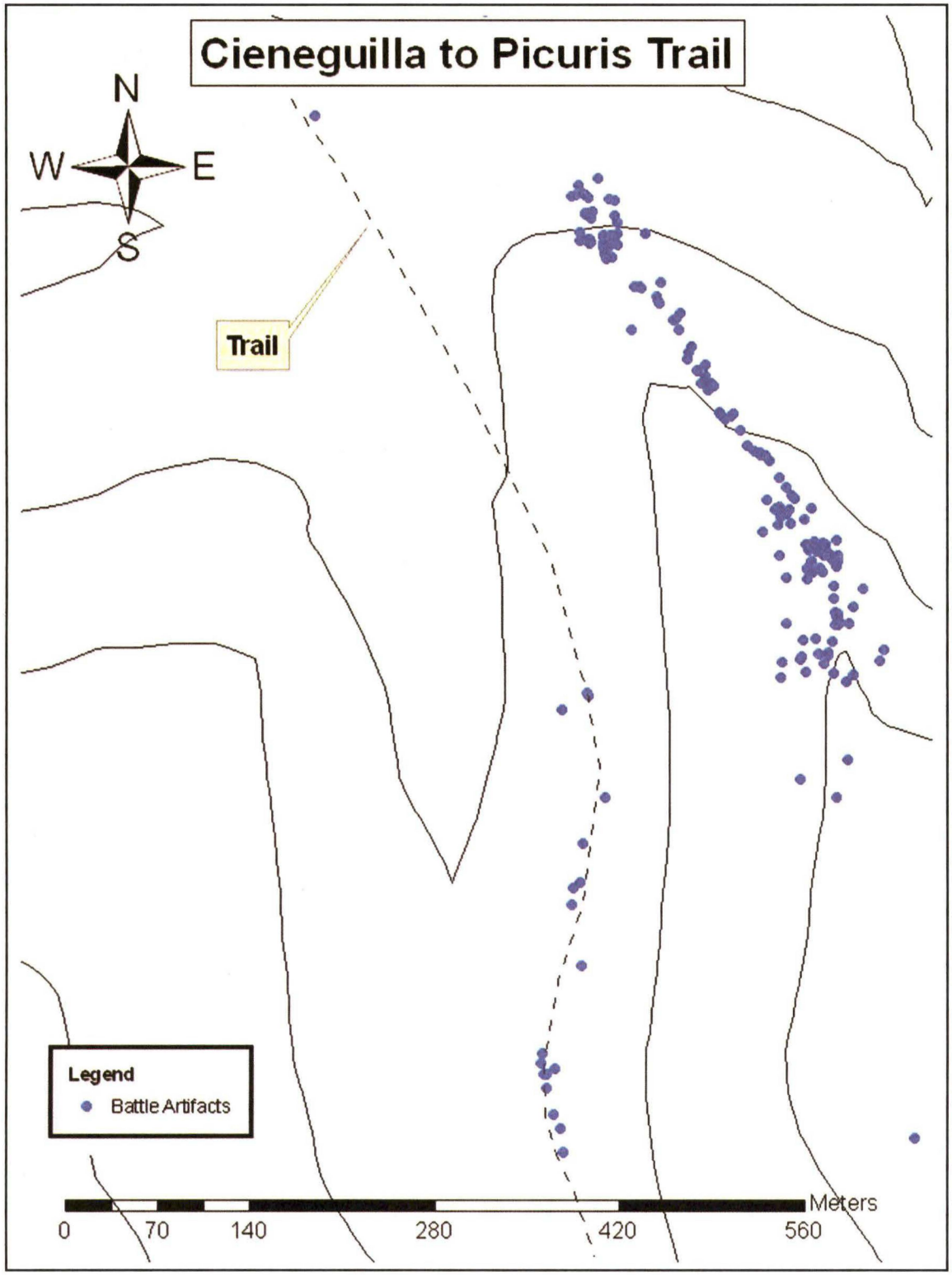

Figure 22. Trail artifacts

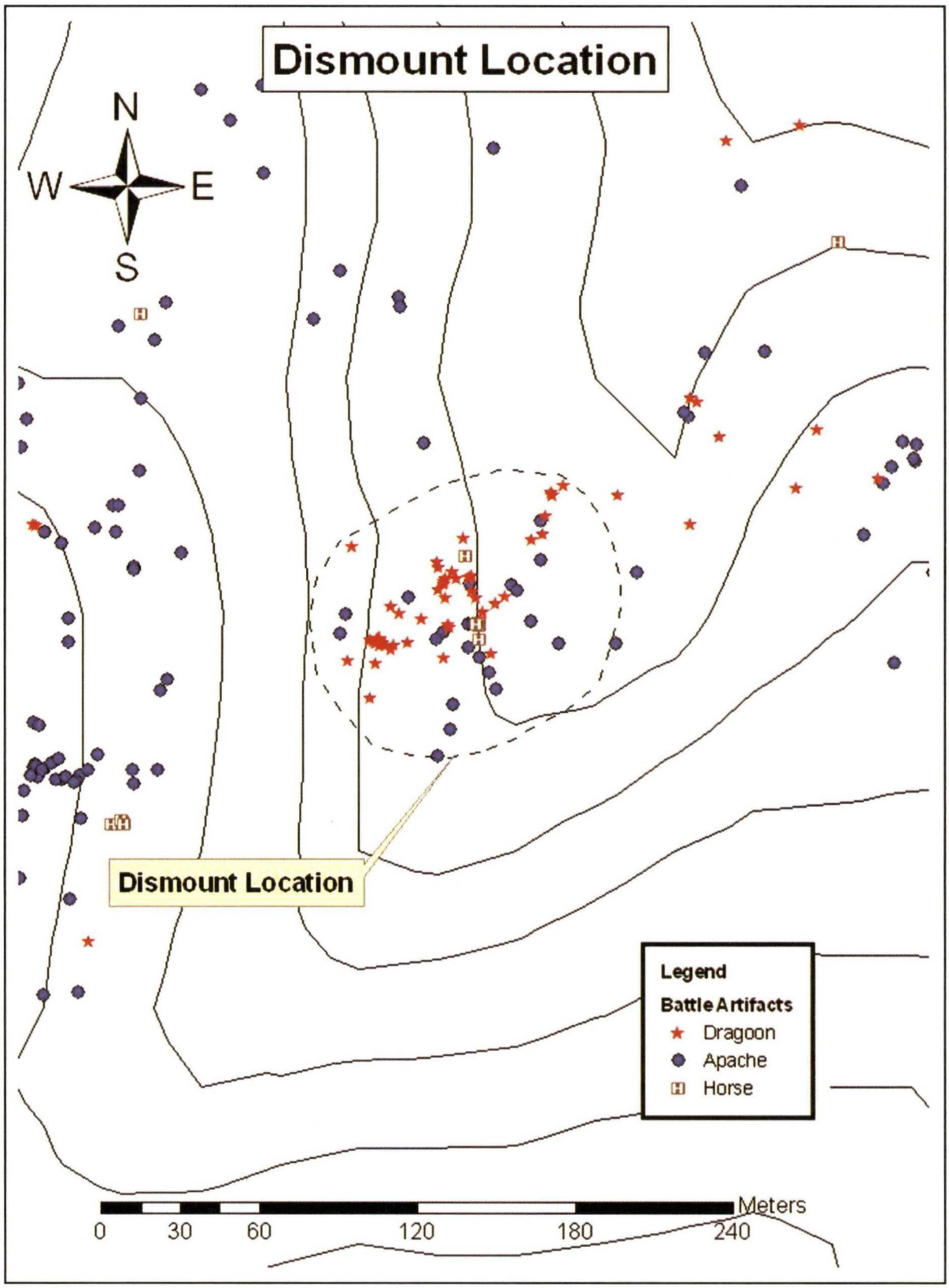

Figure 23. Dismount position

As the Dragoons entered the "narrow defile," or narrow side cañon, they proceeded up the bottom of the cañon along the Apache's trail until they reached a rock outcrop and increasing slopes that inhibited further progress. They climbed the bank toward their right to a gently sloping area near the base of the ridge just above the cañon bottom and dismounted, about 350 meters from the creek. Lt. Davidson had repeatedly denied that he left his horses in the bottom of a cañon or next to the stream, and he was technically correct. The location where the horses were tethered was clearly defined with a concentration of percussion caps, balls, metal points, horseshoes and horseshoe nails. The small stream is several hundred meters away, and he was just out of the bottom of the small side cañon. It was evident that while he was not in the bottom of a small cañon, he clearly had dismounted his troops in the low ground, in a difficult position to defend (figure 23). But defense was probably not on his mind.

> "Sergt. Holbrook was ordered to take command of the 1st platoon, Sergt. Kent the 2nd. We then advanced on the Indians as skirmishers. After advancing some hundred or hundred and fifty yards, I heard shots fired from the Indian Camp. The command then increased their gait and charged on the Indian Camp, and drove the Indians from it."

The written accounts state that someone from the Apache camp called out to the troops to come ahead if they wanted a fight. Whether or not this is true, the troops then split into two platoons, advanced up the slope, and entered the camp. A small group of soldiers under the command of Dr. Magruder was left with the horses. The archeological evidence supports the troop movement. Artifacts are sparse, but there is evidence that one platoon apparently went up a small draw just to the north, where fired balls and numerous arrow points with an orientation showing they were fired from the ridge above, were found along its course. The other platoon appears to have advanced straight up the slope, or slightly to the left, where points, bullets, and percussion caps were found. The dropped balls, caps, and uniform components on the ridge crest support the claim that they had entered the Indian camp. No skirmish lines as reported by Bell (United States Government 1854aa) could be identified, but if indeed the troops went up the small narrow draw, it is unlikely they formed any sort of line.

One interesting group of military artifacts consisting of buttons, dropped and fired caps, and a brass spur were located in the northern concentration. This may be the location where one of the soldiers, Sgt. Kent, was reported to have been killed upon entering the Apache camp (United States Government 1856b).

The Apache camp occupied the top of the narrow ridge, approximately 160 meters above the position where they had dismounted their horses. The artifact scatter is approximately 200 meters long and 50 meters wide, not counting the dispersed artifacts that have moved down the slope (figure 24). Artifacts included micaceous ceramics, brass and tin cone tinklers, metal awls, arrow points, scraps from the manufacture of tinklers and arrow points, brass conchos, dropped lead balls that had been chewed, and other remains of camp activities. No conclusive surface evidence of structures or hearths is present, although that is not surprising for a briefly occupied camp. There are a few cobbles and rocks that are out of character with the shale deposits that cover most of the ground within the camp, and were undoubtedly brought into the area. These round cobbles could be the remains of hearths or possibly structures.

A close examination of the distribution of the artifacts in the camp reveals an interesting pattern. When the other artifacts are dropped out, there are two distinct clusters of ceramics separated by approximately 60 meters (figure 25). A visual inspection of a sample of the ceramics by Miller (2003) as well as a neutron activation analysis and visual examination by Eiselt (2005), demonstrates that while sherds are almost entirely micaceous with Apache characteristics, there are distinct differences between the two concentrations.

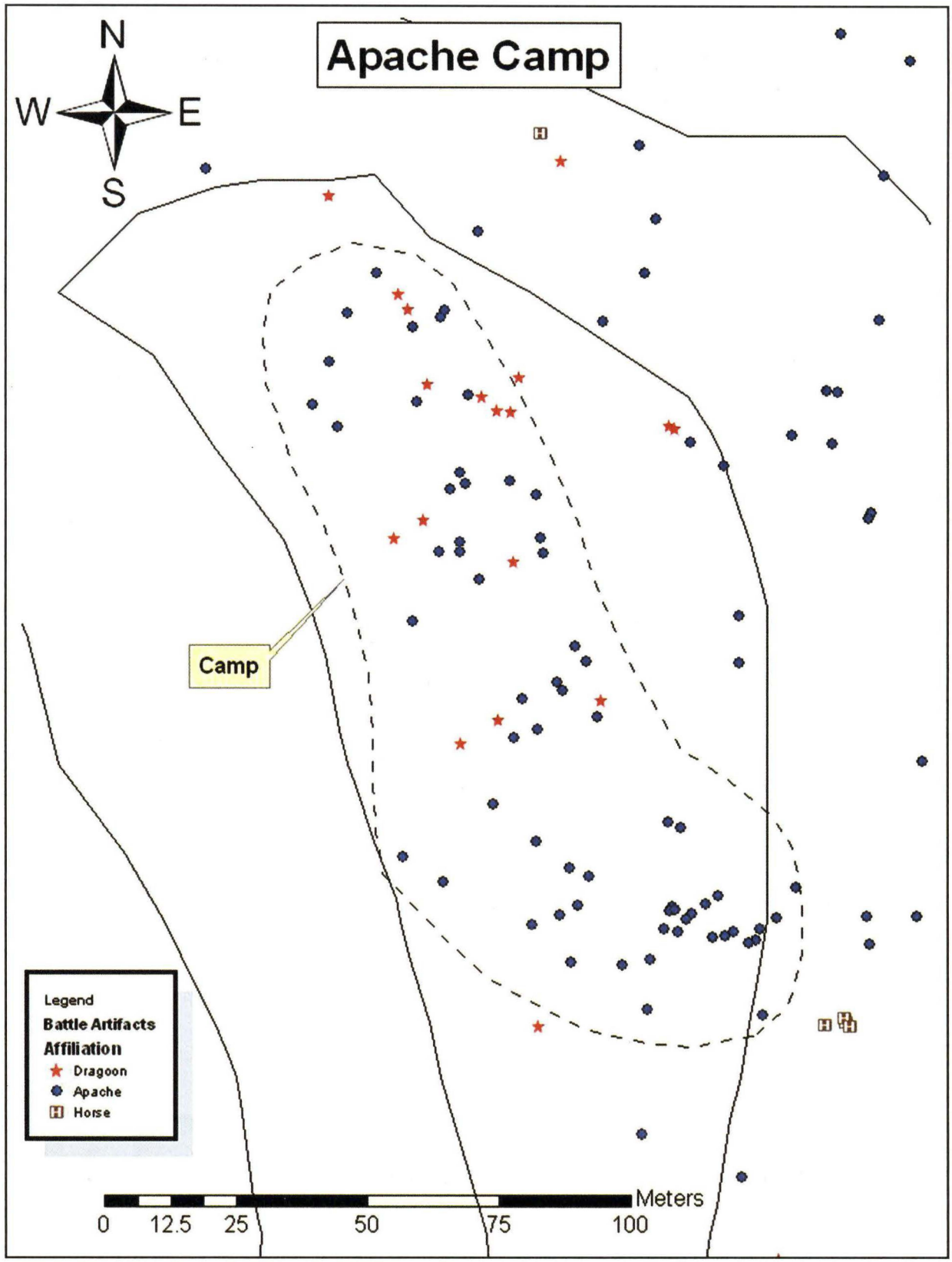

Figure 24. Apache camp

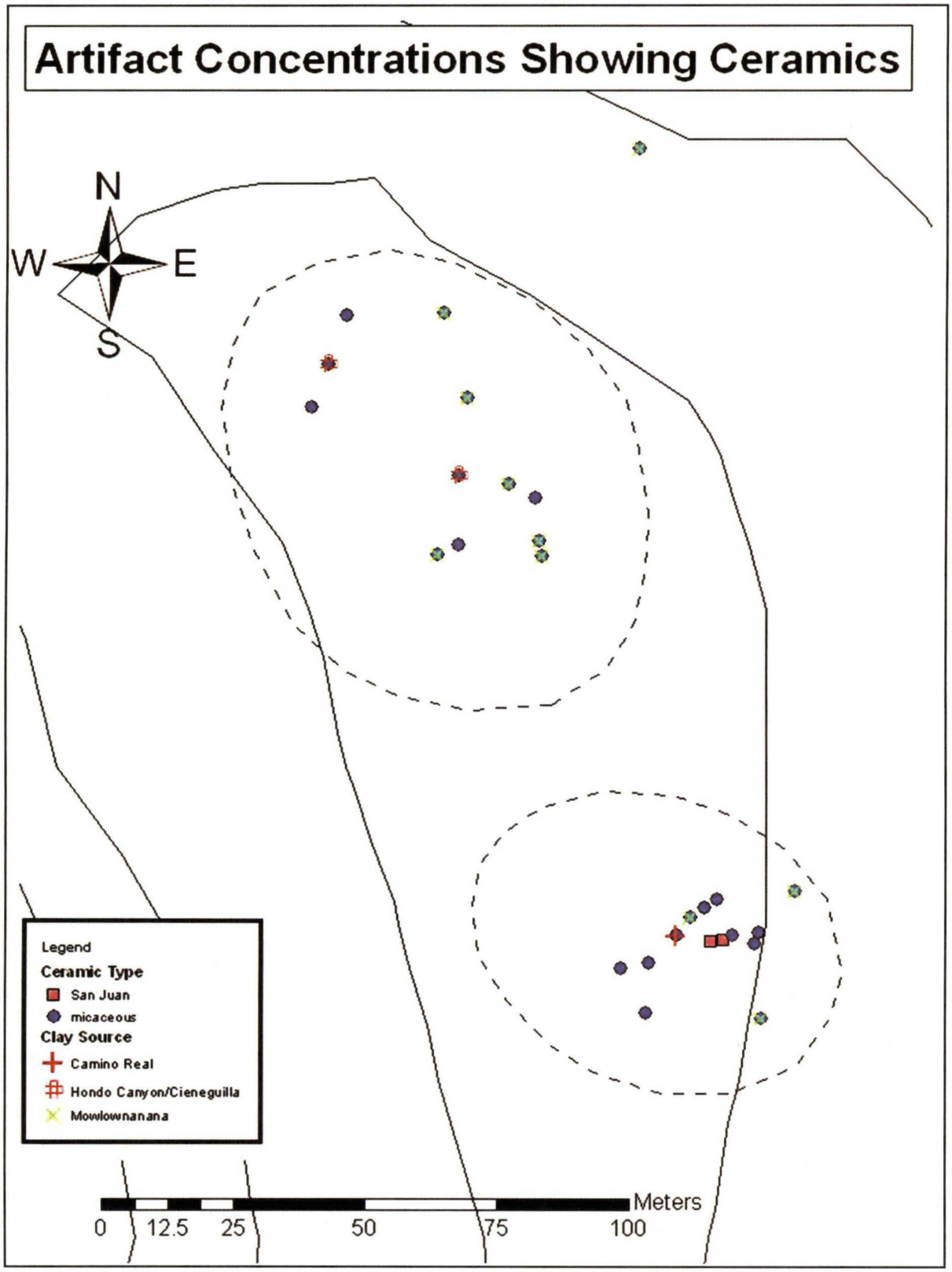

Figure 25. Ceramic concentrations

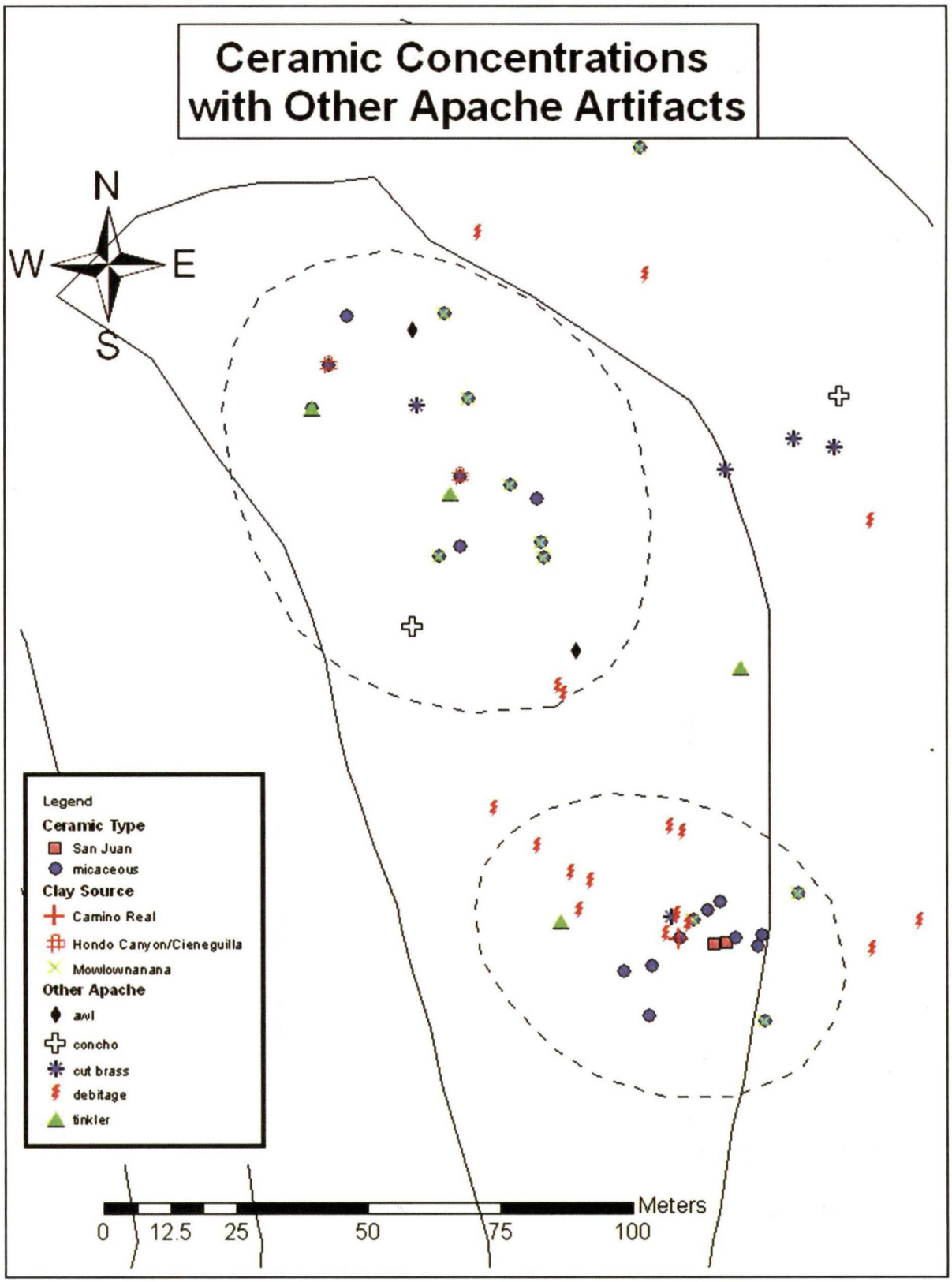

Figure 26. Camp with additional Apache artifacts

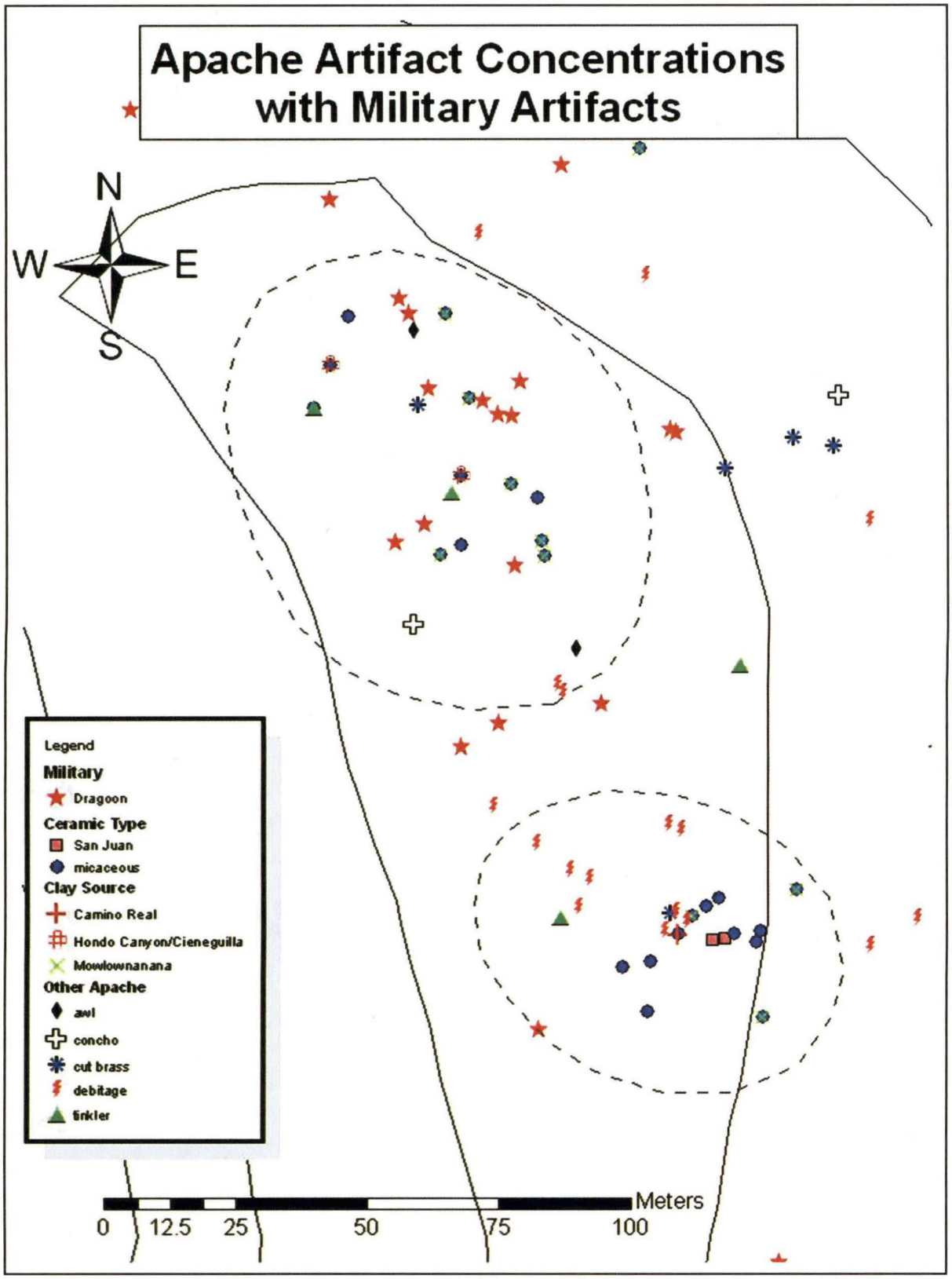

Figure 27. Apache camp with military artifacts

The northern ceramics cluster has a predominance of fine, self-tempered clays with a high percentage of mica, primarily from the one source area, but also including a few sherds from a second clay source as well. The southern cluster is also primarily from the same clay source that is predominate in the northern cluster, but some sherds exhibited a coarse gritty temper, and the paste from a few sherds was found to have been made from a third clay source and also included two locations with San Juan sherds.

A few of the sherds that were analyzed were large enough to determine vessel shapes, and this too indicated differences between the two concentrations. Large, short-necked ollas and small bowls only appeared in the northern concentration. Based on form, the northern concentration contained vessels generally associated with both Llanero and Ollero Apache, although most were Llanero. The southern concentration contained only Llanero Apache vessels.

When other artifacts are added in, the differences are even more apparent (figure 26). There are metal awls and brass conchos at the northern concentration, and the tinklers found there are brass. Tin tinklers and scraps of metal debitage from manufacturing points are more common at the southern concentration. There are no conchos or awls on the southern concentration. Several of the metal debitage locations also form a distinct cluster, suggesting another activity area where the points were being made.

When the military artifacts are overlain, the southern artifact concentration seems almost to have been ignored, and activities clustered around the northern group of artifacts (figure 27). The few military artifacts that are found in or near the southern concentration are primarily unfired balls and percussion caps, possibly dropped as the troops passed over the area. Initially this was thought to be an indication that the two artifact areas are unrelated and only the northern area occupied at the time of the battle. After an examination of the topography and overall artifact distribution, however, another possibility seems more plausible.

The southern concentration is located just below the top of a small hill on the ridge, which is not a particularly defensible position. The northern cluster occupies the high ground. It is quite possible that the two artifact concentrations represent two groups of Apache who occupied the camp at the same time, and they all moved to the higher ground prior to the Dragoons' attack. Several of the military letters just prior to the battle (reference) indicate that there was a group of Apache moving toward the Rio Grande from Mora consisting of two chiefs and about 100 warriors and their families. Carson noted that he met with two chiefs whose people were camped near Cieneguilla (United States Government 1854q). This artifact distribution could well be evidence that there were two distinct groups camped at the site, confirming the observations in the historic records, and the predominance of Llanero vessel types also supports that they came over from the Mora side of the mountains.

> "I counted sixty lodges, some persons at that time estimated from three to four warriors to each lodge. I do not know whether there were any Utahs in the fight or not, I have heard it said since, that there were… probably one fourth of the fires showed no signs of lodges around them, some persons at that time counted as high as ninety lodges. I counted only lodges, those standing, or the evidences of them on the ground. I suppose the others calculated the fires as well as the lodges."

The written accounts of the court proceedings claim there were 60 to 90 lodges, and anywhere from 250 to 400 warriors. Given the size of the camp, and the fact that Apache lodges were generally spread out, it is unlikely that the number of warriors reported by the soldiers during the court of inquiry were camped here. While the artifact scatter covers approximately 10,000 square meters, only the central area is on the flat ridge crest, with many artifacts scattered down the slopes where it would be unlikely to have erected

structures. If there were that many Apache engaged in the battle, perhaps another group of Indians was camped nearby and joined these Apache in the fight, or perhaps the Picuris had indeed come to assist the Jicarilla in the fight. However, this is not reflected in the official records. Bell (United States Government 1854aa) reports that there were only 130 Apache in the group and Carson (United States Government 1854b) states there were 100 warriors with their families camped near Picuris. This range of 100 to 130, with perhaps 60 lodges seems to be a more likely number given the size of the camp based on the archeological evidence.

The location of the camp near but not on a permanent water supply is consistent with other Apache camps located in the Warm Springs area recorded during a timber sale survey. The Mescalero Apache, in southern New Mexico, also seemed to prefer locations away from, but near, the water source. The Cieneguilla Battle Apache camp location is situated near the western "entrance" to the Warm Springs area, and could have served as a first defense if there were others camped in the area as well. The entire Warm Springs area contains hundreds of peeled trees, and appears to have been an area the Apache occupied since the late 18th century.

> "We had been in the Indian Camp but a few minutes when Dr. Magruder who remained with the horses, and some few men, called for assistance. I think the recall or retreat was blown, I do not know which, and we retreated to where the horses were tied. We found that one or two men had been wounded there, that the Indians had charged on them, and that they had driven the Indians back. We were then ordered to take positions outside the horses, the 1st platoon on the right, the 2nd on the left, as we advanced, and to cover ourselves as much as possible from the fire of the Indians."

It is possible that the Apache encouraged the soldiers to come into the camp with the intent of drawing them away from their horses. Not long after the soldiers reached the camp, the Apache withdrew, went around the ridge, and attacked the horse position, likely from several directions. The soldiers who had been left to guard the horses called for help. The Dragoons had no choice but to leave the Indian camp and moved down the slope to reinforce the troops that were with the horses. Four additional Dragoons were killed outside the camp, either during the assault or as they retreated toward the horse position.

Artifacts from both the Apache camp and Dragoons assault were found scattered down the slope from the camp, ultimately reaching a fairly dense concentration of military, horse, and Apache artifacts undoubtedly marking the location where the Dragoons had dismounted, and where they were later pinned down by the Jicarilla (figure 28).

> "The Indians in a moment, or two, made a charge on us from three sides at once. We repulsed them again & were then ordered to screen ourselves behind any trees or breastwork that we could get. We surrounded the horses in a sort of circle, and while in that position the Indians made two more charges on us from three sides at once. We drove them back each time. There was some times 20 minutes, some times half an hour, elapsed between these charges. Afterwards they would charge together from, some times one side, & some times another. The men from one side, would go to the other where the Indians were charging to assist in repelling them. We repulsed them every time. We fought at that place from an hour and a half, to two hours, we lost some men there and killed some Indians. I saw two Indians fall myself. We saw from where we were a mountain about a half mile off, which looked clear, that is as if there was but little underbrush there. The Capt. said we would go over there to get a better position. We unhitched

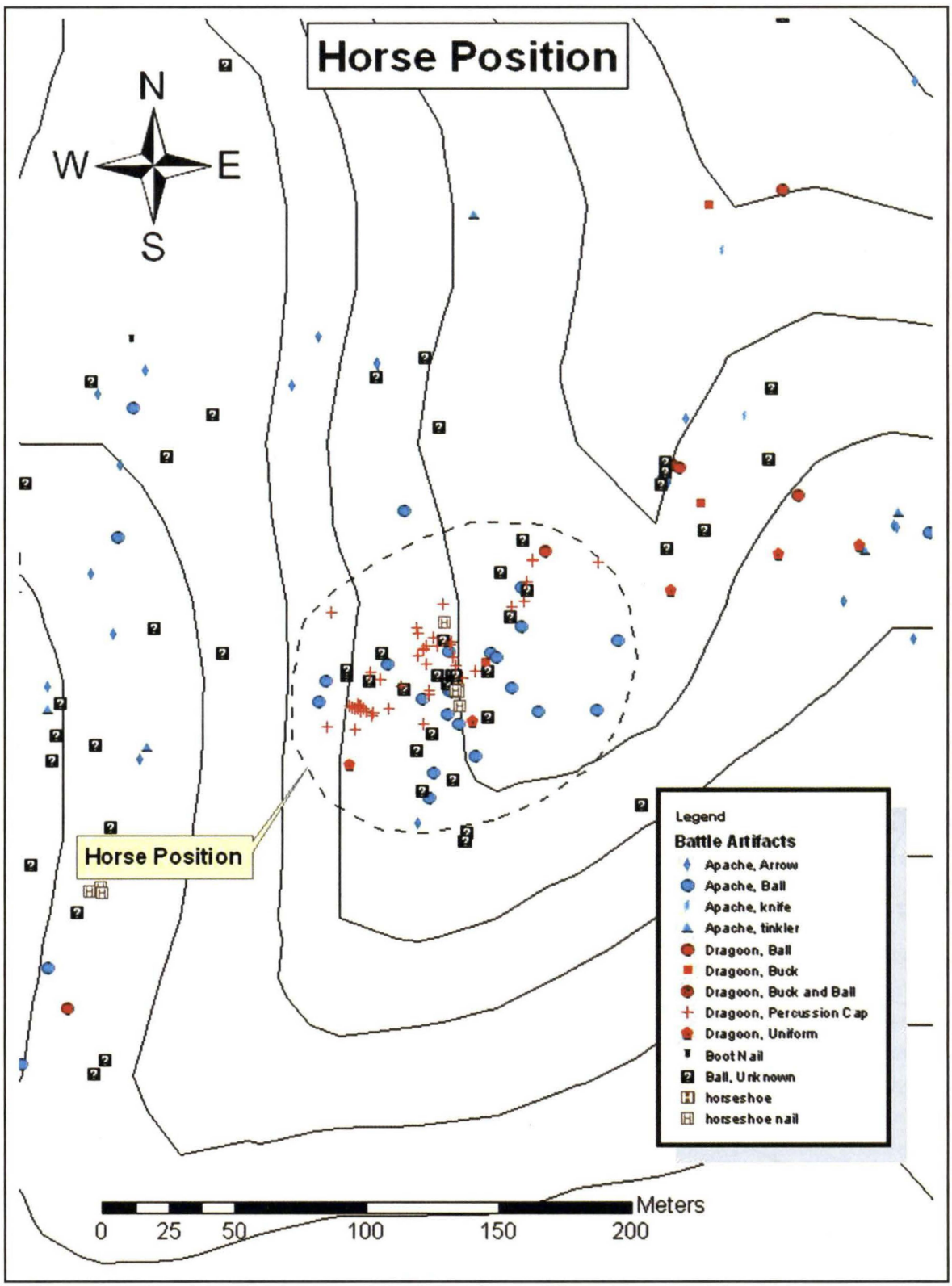

Figure 28. Horse position

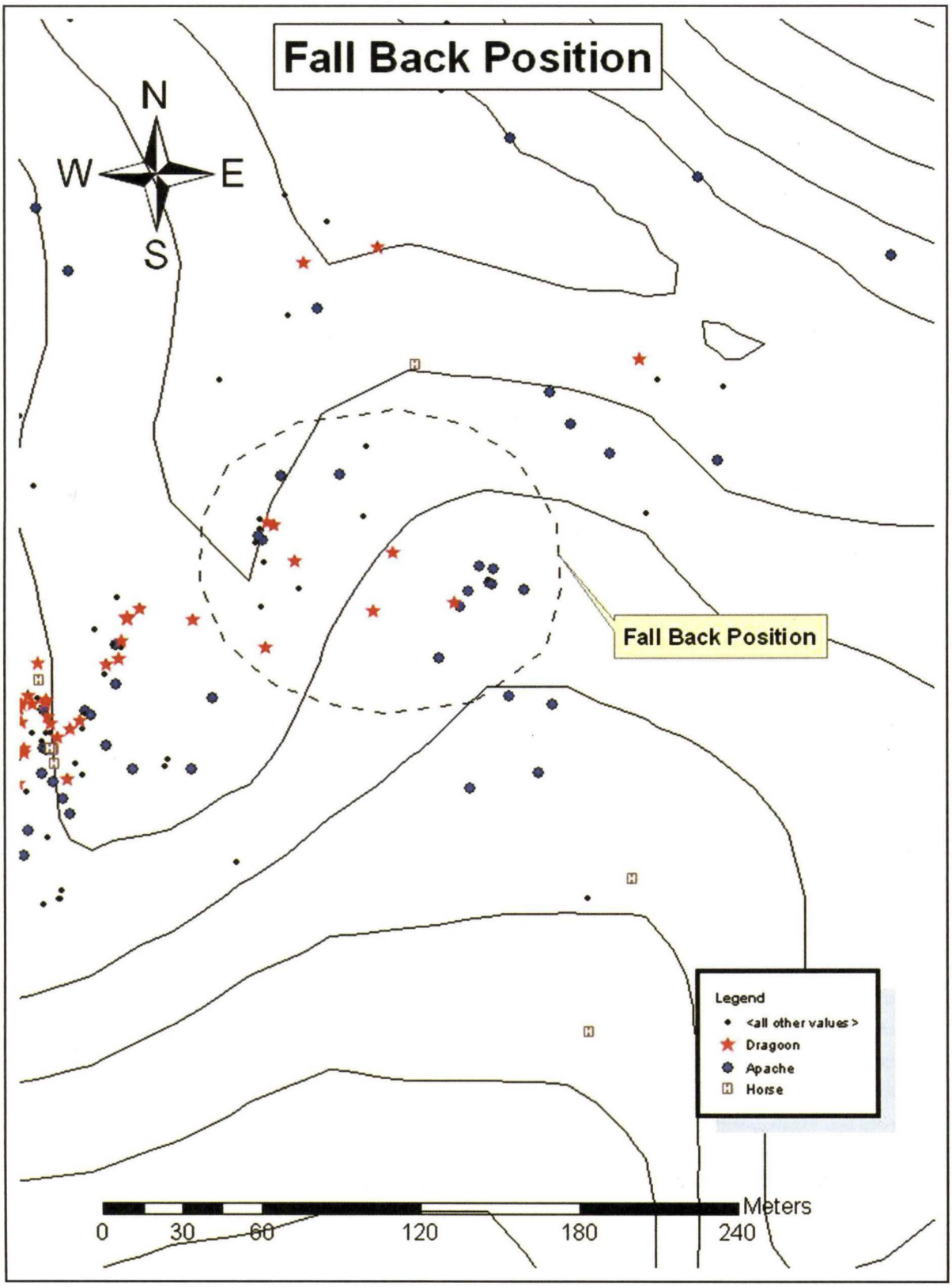

Figure 29. Fall back position

> our horses, those who had any, for some had been killed, and leading them started for that point."

The Dragoons were now situated on the low ground, surrounded by the Apache firing from positions above and hiding behind trees and vegetation. The archeological evidence supports this. Dropped balls, percussion caps, horseshoes and horseshoe nails pinpoint the horse position and it appears that soldiers were stationed in and around the horses just above the cañon bottom. There is also a concentration of fired Apache balls and arrows in this locale. There are no boulders or large rocks to hide behind, something presented in some of the secondhand accounts. The troops would have had to hide behind trees, bushes, fallen horses and any dirt breastworks they could have put together. No evidence of breastworks was found.

Davidson is reported to have held this position from 1-1/2 to 3 hours. It is unlikely that he was under constant fire, and the description of the fight by Pvt. Strowbridge is probably accurate in stating that there was sometimes 20 minutes between the attacks, and that they were there for only 1 to 2 hours. Approximately 60 percent of the percussion caps found in this location had been fired, indicating that the soldiers were probably fairly calm under the circumstances. From that position, the ridge they eventually climbed in their retreat is just under 1/2 mile away.

> "After remaining in that position for at least two hours, I saw Lt. Davidson and Is' Sergt. Holbrook consulting. After their consultation was finished, Lt. Davidson gave the command to the troops, to untie their horses, and move off in an orderly manner to another position which was pointed out some 150 or 200 yards distant. The horses were untied & the men moved off as orderly as could be expected under the circumstances. In moving off Lt. Davidson was taking the lead, when the cry was, they are attacking us in the rear. I saw Capt. Davidson run back from front to rear and the Indians were driven back by himself and a few men with him. During this time the command had halted. Capt. Davidson then led them again towards the point some 150 or 200 yards distant. When we gained that position we were as before surrounded & exposed to the fire from all directions."

Davidson realized that he had to move his position, and led the troops to a small hill that seemed more defensible. Although we did not find enough artifacts to confirm that a battle had raged for hours, we did find a sufficient number of artifacts in this area to indicate that the troops were stationary for a while. Metal points, caps, balls, and two military spurs were found showing a movement of the troops to the adjacent ridge about 175 meters from the position where they were pinned down with their horses (figure 29). One interesting artifact found at this location is an officer's spur with an "M" carved into it. This might be a size indicator, but it is also possible that this was one of Dr. Magruder's spurs. Dr. Magruder would not have had the solid brass Army issue spur. The limited number of artifacts here suggests that the Dragoons were at this location briefly, as described in the written accounts, and then proceeded down a small ridge toward the large ridge pointed out when they were pinned down in their previous location.

> "After halting for a moment Capt. Davidson moved on, the command following. We took a different direction from the trail we went up, it led up a canon & we took across a mountain. While we were ascending the mountain the Indians ("attacked us again" crossed out) commenced leaving both sides of our former position & appeared to be trying to head us off. "

The Dragoons left this position and went down the small hill to the mouth of the small side canyon. When they reached the trail that they had followed into the area, either the

Apache had blocked the Dragoons' retreat down the trail, or the troops did not want to run the risk of an ambush in the narrow canyon. They instead moved across the creek and straight up the steep slope of the large ridge to the north. While very little was found on the steep slope, there were sufficient artifacts on the lower slope and at the top to identify where the troops had gone up the ridge (figure 30). Boot nails, arrow points, a horseshoe nail, and a few fired balls indicate the probable route. The Dragoons would have been fairly spread out to get up the steep ridge without having to wait for those in front to move forward, so there is no single trail. The few military artifacts at the top indicate the location where they reached the summit. The mouth of the small side cañon at the base of the slope is marked by several spent bullets, metal points and there are dropped items located along the creek crossing.

> "We got about half way up the hill, when Capt. Davidson gave the order to halt. Dr. Magruder was in advance of the men going up the hill. Capt. Davidson gave the command a second time, to halt in front, the third time, he said Dr. Magruder for God's sake halt. He then halted & the men halted. Capt. Davidson then asked the Doctor to help him to take charge of the men. Dr. Magruder said he would.
>
> We rested there a minute or two and saw the Indians crossing the ravine to get on top of the mountain to head us off. We moved up on the hill further as it looked still better as a fighting position, I suppose that is the reason we moved there. We got on top of the hill and faced the Indians & remained in that position some fifteen minutes. The Indians kept surrounding us & were in our front & on both sides."

It is no wonder that the written accounts state that the troops stopped halfway up the ridge. The long steep slope is difficult to climb without any gear. Despite numerous transects repeated over different times of the year, very little evidence of a fight was found on the slope. A few boot nails and horseshoe nails on the slope above the fired bullets, and a musketoon side plate, a trigger guard screw, and a nearby dropped ball for a horse pistol on top of the ridge were the only artifacts found. This may indicate that the fighting had ceased as the troops climbed the ridge, which would be implied by the fact that they stopped halfway up to catch their breath. It is not likely that they would have taken this time to take a break in the midst of a fight. It would also appear that the statement that Bell made that they abandoned the dead and wounded and eventually their horses while climbing the hill is not likely, or we would have found more artifacts. Again, the near lack of artifacts indicates that they were not under attack at this time.

> "The moment we reached the summit of the mountain, they attacked us, there, there was an engagement of ten minutes. The command after this engagement changed its direction to the left ("right" crossed out), we were then moving on the ridge of a mountain. We had moved but 20 or 30 rods from when we had our first engagement, on top of the mountain, when the Indians attacked us in rear."

The Dragoons were reported to have met the Indians as soon as they reached the top of the hill. If this is true, there were essentially no artifacts to support the claim. This may be because we did not find the correct location where the troops reached the summit, or may be due to artifact collectors finding this portion of the battle and "cleaning it out." However, it is unlikely that they would have recovered every small piece of lead, every percussion cap, and every boot nail. Certainly, artifact collectors would likely not have scoured the steep slopes where the troops ascended the ridge. It seems more plausible that the Dragoons did not encounter the warriors until they reached the "point of the hill" as stated in Mr. Francisco's testimony (United States Government 1856b) and shown on the sketch map (figure 2). It is here that the artifacts start to appear.

"The wounded men were then placed with the horses & the others defended the flanks & rear. We moved slowly on in that manner for nearly half ("hour" crossed out) a mile, being attacked several times by the Indians, in going that distance but they were repelled each time by the soldiers. At the end of that distance we came to where the mountain led to a deep ravine or canon, when & where the Indians appeared to make their great charge, & closed in up on us. This charge was also repelled. Capt. Davidson was also wounded at this time, and also several men who were standing close beside me. Capt. Davidson then spoke so as to be heard by all around & said, "don't get excited, men. Keep Cool. I have often been in worse places than this."

"The fighting men at this time, were but few in number, as the majority of them had been wounded, before reaching this point, and I heard those defending the rear & flanks complaining that they were completely wearred (sp) out. Capt. Davidson then called for his horse, which the bugler was leading. It was brought to him and he ordered the command to mount and move on. Then commenced, what I considered, a retreat from the Indians, and an eye witness, must have acknowledged that we were beaten by over numbers & hard fighting.

Those having horses, mounted with the exception of one or two. The troops, both mounted and on foot, moved on down into the ravine at a rapid gait, the footmen being able to keep up with the horsemen on account of the unevenness of the ground."

From the point of the hill, the ridge narrows and slopes down toward a saddle that the Dragoons had crossed that morning looking for the Indian's trail. The total distance is about 1/2 mile as reported in the testimony. The artifacts are distributed down the narrow ridge crest to the location where the Dragoons angled off down the side slope to the cañon below (figure 31). The Dragoons may have been headed toward the saddle to rejoin the trail back to Cieneguilla. If so, they didn't make it. A close look at the artifact distribution in this area shows several small concentrations spread out along the ridge, perhaps where the troops halted, turned and fired to repel an Apache attack. Numerous dropped bullets and caps, along with dropped gun tools, fired arrows, fired caps, and Apache bullets confirm that the battle was heavy along this ridge. At the point where the artifacts stop, the location where the troops went down the side of the steep ridge, many additional dropped items were found.

This section of the ridge is where the Dragoons lost 17 men, and the artifacts indicate the fighting was getting desperate. Seventy percent of the percussion caps found in this area had never been fired. The majority of balls found in this location were also dropped. This is consistent with the written account of the Dragoons being under heavy fire from repeated Apache attacks. A saber belt hook found in this area appears to have been shot off someone's belt, and numerous metal arrow points were also found. The Dragoons eventually slipped off the ridgetop onto the north slope, where they made their final retreat. They were practically in sight of the trail back to Cieneguilla at this location, but they were likely blocked off from this escape route by the Apache who had gone up the trail from the battle at the horse position to the saddle to block their retreat. A single fired cap among dozens of dropped balls, tools, and personal items at this location suggests that they discontinued the fight at this point to flee down the hill toward safety.

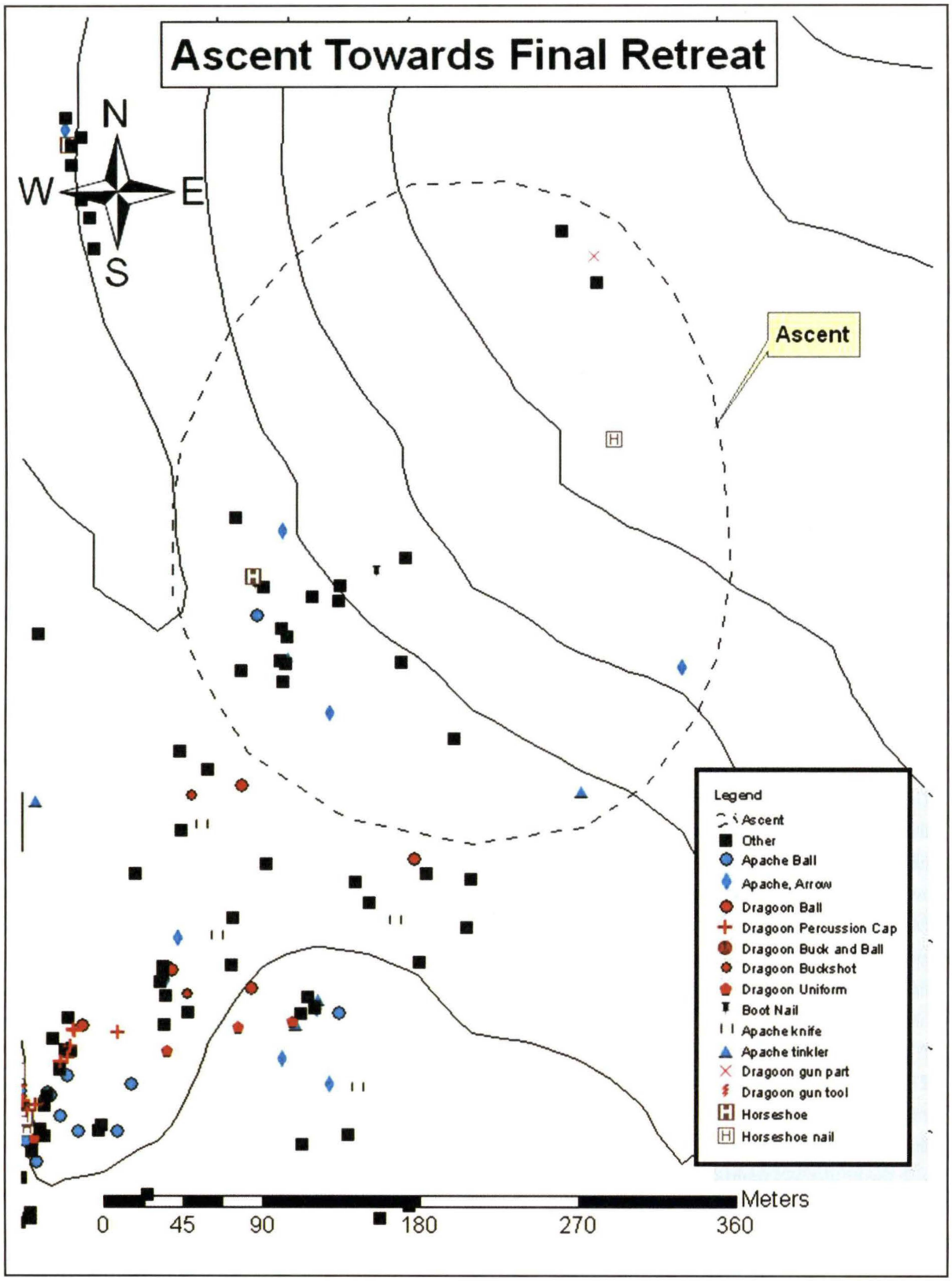

Figure 30. Location of ascent

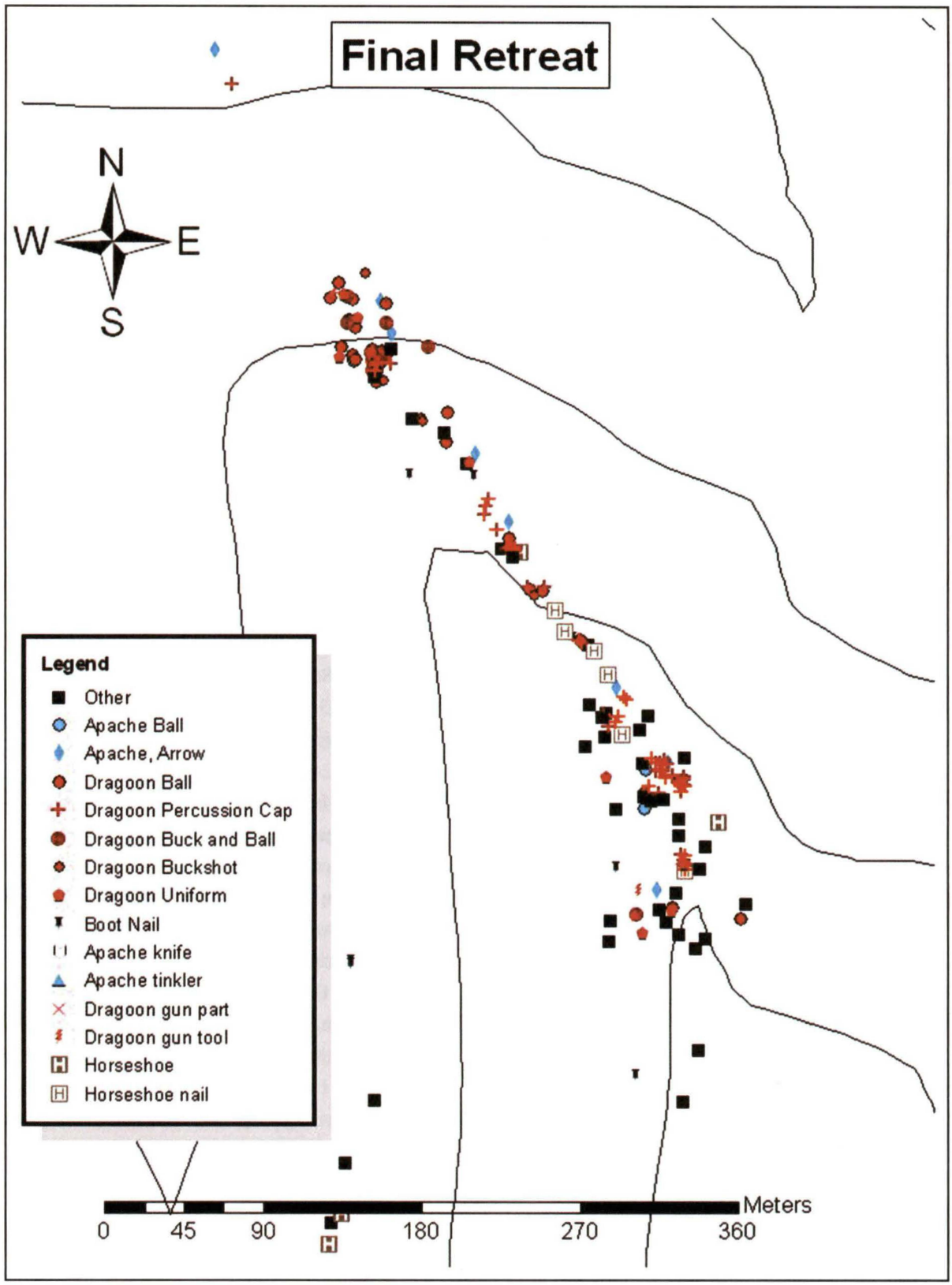

Figure 31. Final retreat

Summary and Conclusions

The archeological evidence confirms that the Cieneguilla battle site has been found, and provides an opportunity to closely examine the battle in more detail than has been possible for 150 years (e.g. Hawk 2005). The battle tactics of both the military and the Apache are seen in a new light. The research also provides an opportunity to compare the written accounts with the actual footprint of the battle, and in essence re-open the court of inquiry of 1856.

Based on all available information, it is certain that the Indian camp was occupied by Jicarilla Apache. It is uncertain which band was camped there. The Jicarilla Apache in 1850 were divided into two groups, the Llaneros living east of the Sangre de Cristo Mountains and the Olleros, living primarily along the Upper Rio Grande and its tributaries, in the valleys and along the canyons. According to Tiller (1983) there were six extended family groups of Olleros at that time, and eight Llaneros. Francisco Chacon was considered a main chief of the Olleros, with Huero Mundo and Vicenti identified as additional chiefs. Lobo Blanco was the principle chief of the Llaneros, with Jose Largo taking that position after Lobo was killed by Bell in the Spring of 1854 (although note that Garland's letter on April 7, 1854, identifies Flechas Rayada as the successor of Lobo). Other Llanero leaders at the time were San Pablo, Juan Julian, and Jose Antonio (Tiller 1983:13-14). The fact that the Apaches had gone toward Picuris from Mora may indicate that they were Llaneros, which is somewhat supported by the archeological evidence in which the majority of the ceramic vessels were typical of the Llanero Apache. That there were two chiefs reported in the group is also consistent with archeological evidence from the Apache camp, revealing two separate artifact concentrations.

The Apache were camped, however, in the territory of Olleros Chief Chacon. Chacon, in a conference with Governor Meriweather soon after the battle, claims that he was away at the time of the battle, but that Chief Pacheco had been killed there. In a letter from Carson to Messervy on April 14, 1854, Carson claims that he was informed that Chacon was not present during the fight of March 30. Upon learning that his people had been involved, Chacon joined them in the later battles on the campaign (United States Government 1854z). Garland (United States Government 1854x) also reports that Chacon and Velasquez were camped near Fort Massachusetts on April 7, corroborating Chacon's statement that he was with the Ute at (or at least near) the time of the battle. During the court of inquiry, Carson testifies that he was certain Chacon was present in the later battles, but that he understood that Chacon was not present during the Battle of Cieneguilla.

There are other inconsistencies as well. The ceramics found at the site appear to be Jicarilla, with characteristics primarily of Llanero pottery, although some Ollero types were also present. The source areas for the clay used to make the pottery are from near the camp, in Ollero territory (Eiselt, 2005), but it is very possible the Jicarilla had gathered clay on their way to the camp.

The ceramic analysis was significant in determining that there was little use wear or staining on the ceramics, possibly that they had been freshly made prior to being broken. Again, Carson (United States Government 1854q) and Chacon (Thomas 1974:93-94) claimed that the Jicarilla were there to make pottery to trade to the Spanish for food.

The location of the Indian camp is an indication that the Apache had defense clearly in mind. The small hill on the ridge where the camp was provided numerous escapes routes in the event of an attack. In addition to the back side of the ridge to the west, there were several small washes that would have provided for a concealed access to the east. The ridge extends to the north. The south end of the ridge abuts Picuris Mountain, allowing for a relatively easy access to the southeast along the contours back toward the Rio Pueblo.

Cordero provides a description of late 18th century Apache offensive tactics: "When the time came for attack, they frequently resorted to an ambush in a place favorable to them. This consisted in sending some of their fastest runners or mounted warriors ahead to draw out the enemy. When the latter attacked the swiftly retreating Apache, they suddenly found themselves surrounded by the main body and cut to

pieces. After the battle, the Apache retreated with incredible speed, deliberately following a route through rough, mountainous land to discourage pursuers" (Matson and Schroeder 1957:345-346 citing Cordero). This is precisely the tactics the Jicarilla used at Cieneguilla.

It is apparent that the Dragoons were not prepared for the resistance the Apache provided, nor considered the fact that the Apache would attack the troops and horses that were left behind. If the written accounts are correct in stating that someone from the camp called out to the Dragoons to "come on if you want a fight," it would appear that the Apache were not at all intimidated by the soldiers. Instead of fleeing from the advancing soldiers or trying to draw them off as the women and children escaped, the Jicarilla seem to have encouraged the troops to attack the village. Then, as the troops approached, they quickly retreated from the camp, and dropped around behind the Dragoons to attack the horses. This drew the dragoons back down to the canyon bottom where they were trapped in the low ground while the Apache had control of the high ground.

The fact that the Apache were attacking from different directions suggests they followed similar tactics as the Dragoons, in that they divided their forces to catch the troops in a crossfire. As the Dragoons were pinned down, the Apache would make sporadic attacks, shooting from behind trees, in an attempt to capture or kill the horses and as many soldiers as they could. The ratio of bullets to arrow points indicates that this portion of the fight, the Apache relied heavily on firearms. When the Dragoons had had enough and retreated to the next ridge, the Apache hurried to the ridge to beat them to the top so they could again claim the better position. Once on the ridge, the Apache caught the troops on the narrow portion of the ridge, and sealed them in by closing in behind them. The Apache commenced firing on the Dragoons from above and below. The written accounts and archeological evidence supports the claim that the fighting was close and fierce. Proportionally, there are more arrow points in this portion of the battle, indicating that the Apache may have been running out of ammunition, or had saved the arrows for close fighting where they would be more effective.

The archeological evidence indicates that the Dragoons appear to have been using one of their standard attacks. They approached the camp in full view and dismounted below the camp. It is typical for Dragoons to dismount prior to fighting, but their choice of locations to dismount appears to have been ill advised. It is likely that they did not expect to encounter resistance and, therefore, were not particularly concerned with where they dismounted or their ability to defend the position if the need should arise.

The troops were reported to have divided into two platoons to advance upon the camp, perhaps thinking that a show of force would frighten the Apache. The two platoons entered the camp from two directions in an attempt to catch the Apache in a crossfire. When it was discovered that the majority of the Apache had left the camp, and the call for help went out from the troops down below, they fell back to the horse position and did their best to protect the horses and defend themselves.

This is the point where the troops changed tactics, and instead of being in an attack mode and controlling the high ground at the Indian camp, they were forced to take the low ground and defend their position. There is little cover in the area of the horses other than trees and brush. The percentages of fired and dropped caps in this area—60 percent fired and 40 percent dropped—suggest that the troops remained pretty much in control during this time (figure 32). No dropped dragoon revolver ammunition was found in this location suggesting that if they were using their revolvers, they were not reloading. Instead, they may have been saving their revolvers for close range fighting.

The claim by Davidson that his troops had dismounted on a slope, entered the Apache camp and were fighting in the camp is confirmed. However, as noted, Lt. Davidson claimed that he did not leave his horses in the bottom of a cañon or next to the stream prior to the advance on the camp, but the artifacts reveal that he did leave his horses and a handful of

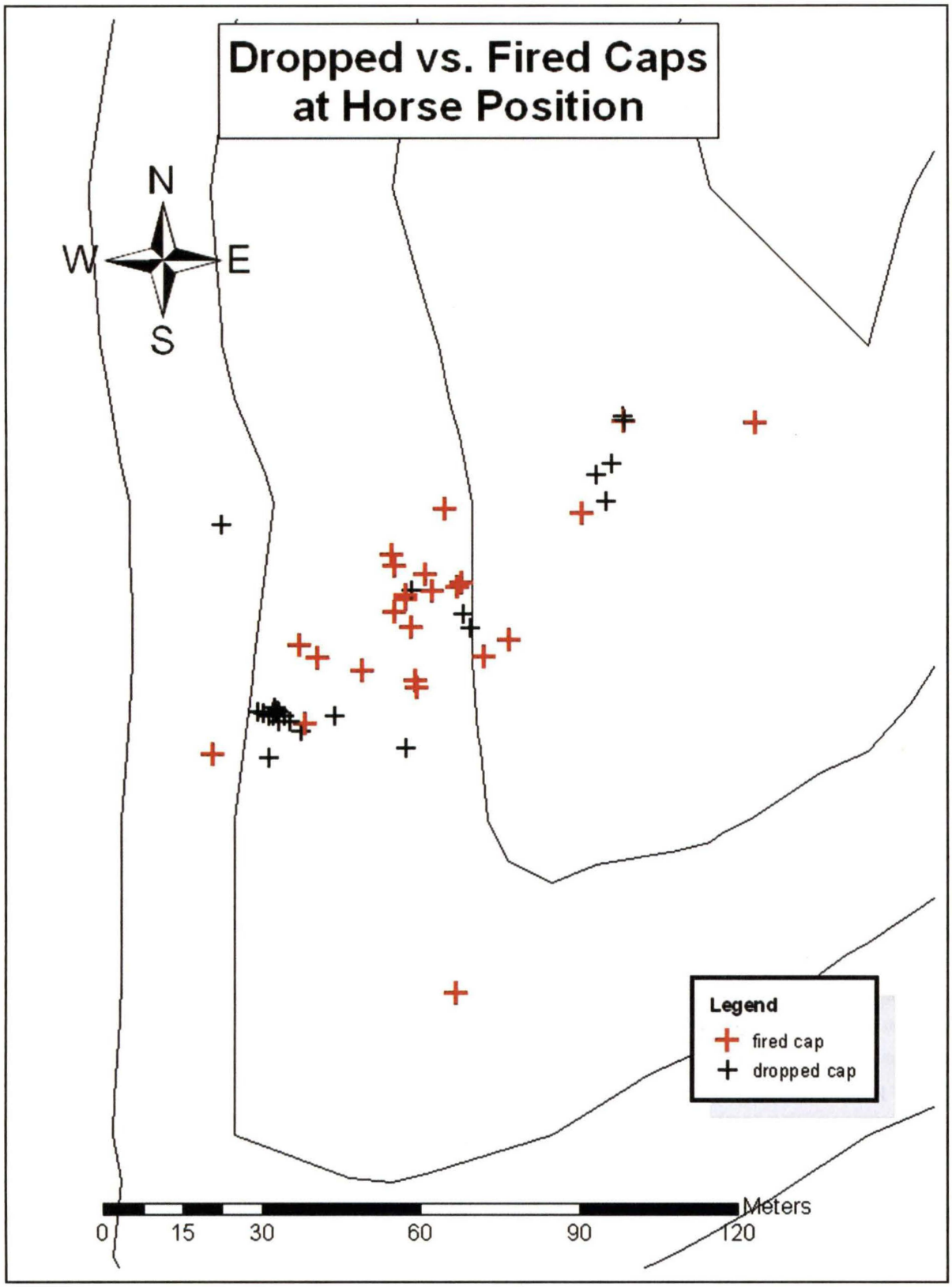

Figure 32. Dropped vs. fired caps at horse position

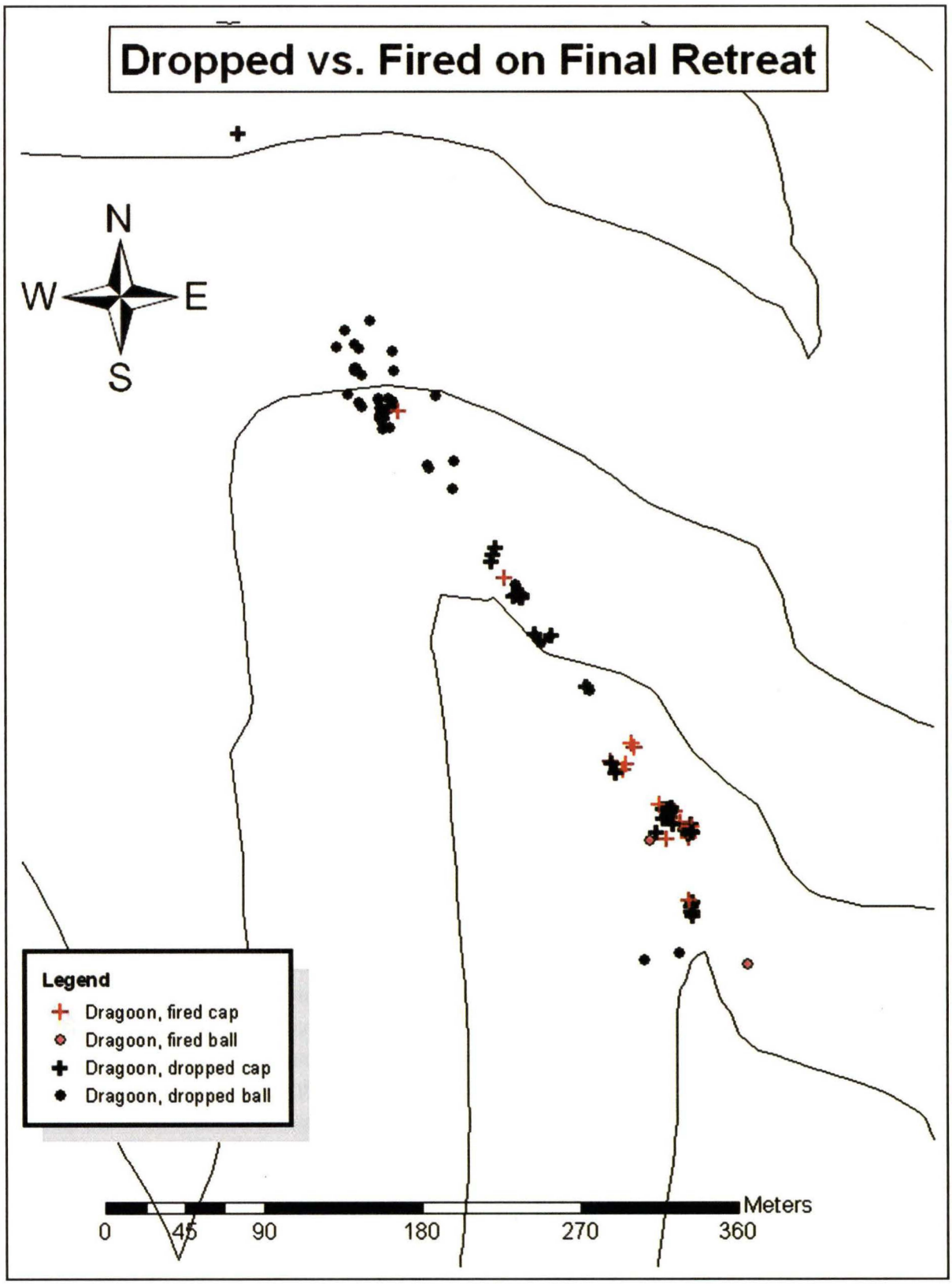

Figure 33. Dropped vs. fired artifacts on final retreat

troops near the cañon bottom, and clearly in a poor location. It would appear that he could have advanced farther up the slope before he dismounted his men, or circled around by going up the adjacent ridge and entering the camp from the south or southeast. Although only 5 of the 22 who died in battle were killed in the initial dismounted attack on the camp, that loss combined with being pinned down for a long period of time undoubtedly affected the soldiers' ability to effectively continue the fight. Had the Dragoons dismounted in another location on higher ground, they might not have been pinned down at all.

The limited number of artifacts on the steep side slope that Lt. Davidson led his men up after retreating from the horse position indicates that the battle was in recess during this time. And the near lack of artifacts at the top of the ridge may also indicate that the troops rode along the ridge crest some distance before encountering the Apache at the point of the hill, and were not confronted as soon as they reached the top as presented in several of the testimonies. If this is the case, the Dragoons might have been able to retreat down the side of the ridge to the north and avoid the second encounter that left 17 men dead. It is likely that the Dragoons were exhausted from the fight at the horse position and the climb up the steep slope, and were lulled into a sense of security upon reaching the top of the ridge unopposed. They chose to move along the ridge back toward the point of the hill in an attempt to reach the trail back to Cieneguilla. They probably felt that they now had the higher ground and would not run into as much trouble as they had when pinned down in the canyon bottom. By the time they reached the narrow ridge where they were to descend to the trail, they found the Apache were there first. The Apache then advanced upon the soldiers from the rear, trapping them on the narrow ridge. At this point they had nowhere to go and were forced to fight their way to freedom along a narrow ridge.

The tight distribution of artifacts along the ridge seems to confirm that the troops stayed together during their final retreat from the point of the hill (figure 33). The ratio of dropped to fired bullets and caps indicate that the soldiers were likely weary if not frantic during the push down the narrow ridge.

As they neared the saddle where the trail to Cieneguilla was located, the troops found they could go no further. Taking advantage of a slightly less steep side slope, the Dragoons made a final retreat down the side of the ridge to the adjacent canyon. The Apache apparently did not follow any further. A dropped percussion cap, arrow point and horseshoe mark the location where they reached the canyon bottom. The remaining soldiers followed the canyon out of the mountains and returned to Fort Burgwin with their wounded. The final position was littered with dropped balls, percussion caps, tools and equipment, suggesting that the retreat may not have been as controlled or as orderly as reported. In the end, 22 troops had been killed along with an unknown number of Apache.

The claims as to the number of Apache in the fight appears to have been exaggerated. The archeological evidence indicates the camp location is too small to have supported the large number of warriors claimed. It is likely that there were no more than 100 or 130 warriors as claimed by Carson (United States Government 1856b) and Bell (United States Government 1854aa).

The military letters seem to confirm this, as you track the movement of the Jicarilla from Mora to Picuris. On March 11, 1854, Cooke wrote to Blake to inform him that the Apache and possibly the Ute were headed his direction, but did not mention numbers (United States Government 1854j). On March 14, Cooke wrote to Nichols that 45 lodges of Apache with only 10 men were reported near Mora, and that the Apaches did not want any trouble (United States Government 1854l). On March 19, it was further clarified in a letter from Cooke to Blake that there were 45 lodges and 10 men, possibly 70 or 80 men (United States Government 1854m). On the 23rd, Cooke wrote to Blake that 2 days earlier Davidson met the group moving from Mora toward Taos, and that there were more Apaches than previously reported, but again he did not reveal the numbers (United States

Government 1854l). In a letter 9 months later, Bell says that Davidson put the number of warriors at 107, a number that sounded like an accurate count rather than an estimate (United States Government 1854aa).

On the 25th, several Indians from this group including two chiefs came to Taos and met with Kit Carson. Two days later Carson reports to Messervy that there were 2 chiefs and about 100 men with their families camped near Picuris (United States Government 1854q). This is consistent with the number Davidson counted according to Bell. In the court of inquiry 2 years later, Maj. Blake testified that the two chiefs and a third Apache were immediately sent to Ft. Union where they talked to Cooke. He also testified that the Indians had been seen moving their camp toward the Rio Grande (United States Government 1856). On March 28, Cooke, in an unsigned letter, confirmed his instructions to the Indians that they should stay in the vicinity of the valley of Taos. It was the following day that Davidson went to "watch" the Indians and found them camped near Picuris. It seems likely that these were the same Indians, with about 100 warriors, as reported in the correspondences.

This number of warriors is also consistent with other accounts of the period. In 1850 McCall, in his "Report on the Conditions in New Mexico" estimated the Jicarilla population at 400, with 100 warriors (McCall 1968:79-110). In 1852, in a meeting between Calhoun's secretary and 4 Apache chiefs including Chacon, it was reported that there were 100 warriors representing all the Jicarilla at the meeting (Bender 1959:61). In another meeting at Abiquiu that same year, 500 Indians were present, of which 150 were Jicarilla (Ibid 63). In 1853, Chacon's band was numbered at 115 (Ibid 28, 66). The entire population of the Jicarilla was estimated at between 400 and 500 in February 1853, and 600 in May 1853. It was reported that there were 250 Jicarilla in the vicinity of the Rio Puerco in August 1853, of which 150 were warriors (Bender 1959: 171). From these figures, it is unlikely that there could have been the 250 to 300 warriors reported by the soldiers. A range of 100 to 130 seems more probable; still outnumbering the soldiers, but not the overwhelming force reported by Davidson after the fight. While it is still possible that other Indians, perhaps even Ute, were camped in another area nearby and joined in the fight, there is no evidence to support this at this time in the written or archeological record.

Bell, in his letter to Williams, contended that the battle could not have taken several hours: "As to fighting three hours that is the most ridiculously absurd assertion in the whole report. A Cartridge Box (cavalry) holds some 30 to 50 Cartridges. How long would it take a man to fire this number of Cartridges assuming that he fired all of them? But in the excitement of action most men will lose a large portion of their ammunition. I think any reasonable man will agree that Davidson's fight never lasted 30 minutes, his assertion to the contrary notwithstanding" (United States Government 1854aa). While we were not able to determine the length of the fighting, we were able to confirm that a large percentage of the caps and balls were dropped by the soldiers. It seems obvious that the relatively small number of artifacts recovered would indicate that this was not a prolonged battle with constant shooting, but some of the written accounts confirm that there were pauses in between attacks. The number of artifacts at the horse position is not consistent with a battle that lasted 3 hours. It is more likely that there were long breaks between attacks, or that the battle lasted considerably less than 3 hours in this location. The overall time the Dragoons were on the battlefield, however, would have been longer than the amount of time actually engaged in battle.

Bell also claimed that Davidson had left the wounded behind. Given the strict training and military record of Lt. Davidson, it seems unlikely that he would have ordered a retreat without taking the wounded along. It is most likely that the conflict was so intense that those soldiers found in the battlefield had died during the fight, or appeared to be dead and were unintentionally left. The archeological evidence is inconclusive.

Another claim in Bells letter was that Davidson had preferred several charges against Maj. Blake after he arrived at

Cantonment Burgwin, and withdrew them just after the battle in a spirit of "mutual concession" (United States Government 1854aa).

> "There is one other circumstance of which you are probably not aware. Last winter Davidson preferred charges against Major Blake – they were of a very grave nature. A few days after the affair at Cieneguilla the Major made some remark to the effect that D. had done as well as could be expected, when D. instantly offered to withdraw the charges although if true Maj. B. had signed a false certificate etc. All of which D. was prepared to prove. Davidson acknowledged himself that Maj. could have ruined him "with a single word" - hence the spirit of mutual concession. If D. had entertained no fear why did he offer gratuitously to withdraw these charges?"

At the court of inquiry, Davidson questioned Kit Carson and Kit testified that he knew of no agreement with Blake when Davidson withdrew his charges. The transcripts of the Blake court martial confirm that five of six charges relating to the "conduct to the prejudice or good order and military discipline" had been withdrawn prior to the date of the court martial (and prior to the court of inquiry into the Battle of Cieneguilla), and the court did not consider those charges (United States Government 1856a). These charges referred to swearing, cursing and abusing noncommissioned officers, allowed half the garrison to be drunk and riotous and unfit for service, taking prolonged absences from the fort under false pretenses, and falsification of records concerning those absences, and all had been leveled against Blake after the time Davidson had arrived at Cantonment Burgwin. These charges are undoubtedly the ones withdrawn by Davidson, and if there was not an agreement between Davidson and Maj. Blake, the timing of the withdrawal at least presents the appearance of collusion.

On March 26, 1856, General Garland issued the court's findings:

> "I. That Captain John W. Davidson 1st Dragoons, could not under the circumstances, with honor have avoided the battle near Cieneguilla on the 30th of March 1854.
>
> II. That in the battle he exhibited skill in his mode of attacking a greatly superior force of hostile Indians, and prudence, and coolness, and courage, throughout a protracted engagement, and, finally, when he was obliged to retire from the field, owing to the great odds opposing him, the losses he had sustained, and the scarcity of ammunition, his exertions to bring off the wounded men merit high praise.
>
> III. That his official report of the battle, far from claiming more than that to which he was justly entitled, is, rather, one entirely worthy [of] the character of a modest, and gallant gentleman.
>
> And the Court is farther [sic] of the opinion that the statements in the letter of Lieut, Bell, which convey an impression of Captain Davidson's conduct in the battle of Cieneguilla, contrary to what is above expressed, are without foundation."
>
> *****
>
> "On a careful review of the whole evidence in this case, I feel constrained to remark, that the accusations present the appearance of malicious criticism upon the conduct of an officer who has shown himself gallant in the field: and, to prevent such criticisms in future, the tendencies of which are injurious to private and

> official character, some further actions, in connection with this case, appears to be necessary: but, as the accusing party is beyond the limits of this Department, such action is beyond my control."

The court of inquiry found Lt. Davidson innocent of any wrongdoing. His honor was upheld. But honor can be an ethereal thing. Perhaps it is true that in 1854, a soldier could not retreat from an enemy's camp without engaging in a fight once the "war whoop" had commenced, or his honor and reputation would be impugned. In this setting, at this time, Davidson may have done the only thing an honorable soldier could do. The court of inquiry did not look into the tactics or decisions that led to the deaths of 22 men in the field, or delve into the honor of losing one third of one's command. Nor did they deem it necessary to visit the site to see the layout of the battle for themselves. If they had, perhaps Davidson's military career would have taken a decidedly different track.

Research into the battle will undoubtedly continue, allowing others to weigh in on this important event in New Mexico history. The final word on whether Lt. Davidson made some poor choices that resulted in his defeat rests in the hands of military strategists. We have provided the archeological evidence and compared the primary historic accounts to what actually lies on the ground. Whatever the conclusions, this fight has gone down in history as one of the few decisive victories for the Jicarilla Apache against the U.S. Government, and stands as a grim tribute to their skill not only as warriors but as military strategists as well.

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Appendix A – Letters

January 18, 1854 – December 27, 1854

His Excellency

The Govr. of

New Mexico

Head Quarters, Dept. of N.M.

Albuquerque, January 18th, 1854

No. 20 Governor

Your communication of the 14th instant, having reference to Indian disturbances in the northern part of the Territory, was received last evening, and I have in consequence of its contents, dispatched orders to Col. Cooke Commanding "Fort Union" and to Majr. Blake in command at "Cantonment Burgwin" (Taos) to take prompt action, both in investigating the several subjects, and in bringing the delinquents to punishment.

Whilst upon the subject of Indian depredations, I beg to call your Excellency's attention to the fact, generally known in New Mexico, that large armed parties of New Mexicans are in the habit of going into the Indian Country, or perhaps more properly speaking, their hunting grounds, where they kill off the very game upon which the Indians depend for subsistence. This will have the effect, of course, of forcing upon the Indians the necessity of either breaking up these hunting parties or of depredating upon the settlements, or worse than either, of starving to death.

I have adverted to this subject with the hope that your Excellency will devise some means by which this evil may be corrected.

I have the honor to be very respectfully

Your obt. Servant

John Garland

Bt. Brigr. Genl.

Comdg.

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Young, Otis E.

1955 The West of Philip St. George Cooke, Arthur H. Clark & Co., Glendale, CA.

Head Quarters Dept. of N. M.

Albuquerque, January 18th, 1854

Colonel,

I have the honor to enclose, for your information, a copy of a letter addressed to the Brig. General commanding the department, by the Governor of this Territory, under date of 14th instant, in relation to Indian depredations, etc.

I am instructed to direct you to further an escort to the people of San Miguel, to enable them to recover their wagons &c. abandoned near the Red River, -- and in the meantime, to send to Las Vegas, and collect all the information you can with respect to the two men recently killed in that vicinity -- Also, to get from the Priest, and others, as correct information as possible in regard to the property stolen from the San Miguel people.

If in prosecuting these investigations, an opportunity presents itself, to chastise these thieves and murderers, the General directs that it be done effectually.

I am, Colonel, very respectfully

Your obt. Servant

W. A. Nichols

Asst. -Adjt. Genl

P. S. Geo. Cooke

2 Drags.

Comdg - Fort Union, N. M.

Hd. Qrs. Fort Union

January 26th, 1854

Sir,

I received last evening your letter of the 18th inst. & enclosure.

Lt. Maxwell goes this morning to San Miguel to make investigation into the alleged depredations. - which were never reported to me & to give the hunters, who were probably intruders on indian lands, - notice to send for their carts to ascertain their distance &c. I am informed that one of the New Mexican murderers of the whitemen, whose bodies were found has been apprehended.

Very Respectfully

Yr. Obdt. Servt

P. S. Geo. Cooke

Major W. A. Nichols

A.A.G.

Albuquerque, N. M.

Head Qrs. Fort Union N. M.

January 29, 1854

Sir,

I enclose the report of Lieut Maxwell, 3 Inf. sent to me on the receipt of your letters of the 18th inst. to make the investigation it requires.

At the moment of his departure, I had an interview with a very respectable citizen as I should judge, living not far from San Miguel named James M. Giddings. I made a memorandum of his statements which substantially agree with the report as follows: "Had conversed with Pedro Gonzales - owner of the wagons. (lost) several Indians had repeatedly visited their hunting camp, that in his absence young Salazar & several others had killed two & wounded the third of these Indians (who escaped) the Indians having according to the story of the party taken several animals but which they brought back & surrendered when they saw themselves followed. Salazar was killed; that then taking the horses belonging to the Indians, they returned home safely, fearing the revenge of other Indians: that it was not doubted to be a murder. That many buffalo hunters with wagons were even now out, that some of them had been warned of by the Indians, who had told them, as long as they only brought a few pack animals they had not cared so much - That one of the Mexican murderers of the two white men whose bodies were found had been apprehended but let off on some trifling testimony of his relatives."

It appears as the result of this investigation that the complaints made to the Governor, had but little colour of truth. - That the priest had lost no sheep - that a very few animals of an abandoned herd were eaten by Indians, probably half starved; that the hunting party were not at "Red River" but intruders near the Arkansas beyond the Territory: - That the white men were murdered by New Mexicans who are not punished.

It would seem that white men and Indians are at present most in need of our protection

I would respectfully recommend as a measure necessary to peace with the Indians & the safety of the mail parties & travellers, that the case of these particular hunters be judicially investigated on the charges of murder & infraction of the 8th paragraph of the intercourse act.

I am very respectfully
Yr. obdt. Servant
P. S. Geo. Cooke
Lt. Col. 2d Drags

Major W. A. Nichols
A.A.G.
Albuquerque, N. M.

Hd. Qrs. Fort Union, N. M.

February 13, 1854

Sir,

You will proceed without delay with thirty three men of your company to Red River, where I have information of a camp of Jicarilla Apaches & Eutaws, some of whom have within three days committed depredations, robbing Mr. Waters of cattle and maltreating his herdsmen - You will take twelve days rations (but only eight of salt meat) & Mr. Tipton will accompany you from Mr. Waters on the Mora, as a guide.

If you find these indians in camp - or otherwise, your first duty will be to surround them, or cut off their retreat to broken ground: - then, - if appearing that they are a guilty party, - demand the surrender of the actual marauders: if they are delivered or pointed out, have them severely whipped, and take a pony as an indemnity to Mr. Waters: - If they make a plausible excuse, of their inability to surrender the depredators (and time, if necessary may be given them whilst you keep the chief in your power) then seize horses or ponies double the amount in value of the stolen animals.

In case of resistance or insolence or of their being overtaken flying from your pursuit, attack them.

You will of course use your discretion in unforeseen circumstances.

Respectfully &c

P. S. Geo. Cooke

Lt. Cooke, 2nd Drags.

Lt. David Bell 2d Drags

Comdg Co. H

Present.

Hd. Qrs. Fort Union, N. M.

February 20th 1854

Sir,

I have the honor to enclose a report of Lt. Bell, 2d Drags of a scout made by him amongst the Jicarilla Apaches. Complaint was made to me the night of the 12th inst. of their robbing one Waters, of several of his cattle which were herded about 60 miles from this post. The detachment left next morning, and I also enclose the instruction.

No corn was taken &. Lt. Bell reports, that the grass on the Canadian was found quite sufficient.

I take this opportunity to suggest the importance of keeping employed a guide and trailer if there is likely to be much scouting from the post. This Company is also much in want of horses.

Very respectfully &c

P. S. Geo. Cooke

Lt. Col. 2d Drags.

Major W. A. Nichols,

A.A. G &c.

Albuquerque.

Head Quarters, Fort Union, N.M.

March 1st, 1854

Sir,

You will proceed tomorrow morning with the efficiently mounted members of C-H 2d Drags, taking fifteen days rations & two days of corn - to make a scout beyond, & down the Canadian river, as far as the "Cinto Mountains" or according to such exigencies as may arise.

Repeated small depredations, & insults to struggling citizens are reported - beside the robbery of Mr. Waters, which occasioned your last march, & which you did not succeed in settling with the Indians.

Beside the general object of the scout to protect the frontier, you will endeavour to get in your power some important party of these Jicarillas or Utahs & will then compel them to surrender the depredators in Waters' case any other instances of which you can obtain sufficient information: & have them whipped: & also require the delivery of an equivalent to the losses in ponies.

Respectfully,

Yr. Obdt. Servt.

P. S. Geo. Cooke

Lt. Col. 2d Drags.

Lt. D. Bell, 2d Drag

-Comdg Co. H..-

Present.

Hd. Qrs. Fort Union, N.M.

March 8, 1854

Sir,

Lieut. D. Bell with the effective force of Co. H. 2d Drags was again sent on the 2d inst. to protect this part of the frontier from the depredations of the Apaches – I enclose a copy of his instructions. He returned last night, & I enclose his report of operations.

In his attack upon the indians, which in fact was unavoidable, Lieut. Bell only obeyed his instructions, but with judgment & gallantry. If he could have mounted and marched with his whole company, instead of a platoon, his victory would have had more fruit, & he had probably made an end of what is a mere beginning.

It is a matter of gratulation that he slew the chief of the Apaches, who was the murderer of Mrs. White party & subsequently of herself.

I sent a verbal order by Dr. Byrne who went from here in the night following the combat to the assistance of the wounded with an ambulance, to Bvt. Capt. Sykes A.C. S. – who with Lt. Maxwell were there present as volunteers, - to call on Lt. Bell for a force to protect the large herd of depot cattle, which was thought to be in Canon Largo, on the Canadian: - but that same morning the Indians had made their attack on it, as their first revenge. Their partial protection by the Utahs under Chico is extraordinary, considering, that the Utahs of this territory, according to the general report make common cause with the Jicarillas, have lately committed serious depredations – murders it is reported, - & the dragoons from Taos are now in pursuit of them: this little party has of late, I am informed been rather isolated & independent, there can be little doubt but that Apaches and Utahs numbering by estimate 300 warriors, are now, or speedily will be at open war with us. It is for the General to decide how I am to meet it: defensively or offensively – weakly or vigorously, & to reinforce me accordingly. I can mount & efficiently arm, but 36 men of my only company of Dragoons: 13 of these I expect to send on the 14th inst. to meet the mail 100 miles from here, - a defensive measure; and the merchants of the territory at this season send their trains to Missouri for goods:

I am respectfully

Your obdt Servant

P. S. Geo. Cooke.

Lt. Col. 2 Drags

Major W. A. Nichols

Asst. Adjt. Genrl.

Albuquerque, N.M.

Hd. Qrs. Fort Union, N. M.

March 9th 1854

Sir,

You will proceed this morning with 25 men of your company, rationed for 6 days - to the settlement, on the Rayado, with the object of securing the herd of public beet cattle: You will take measure to establish the sergeant's party of twelve Artillery- & Infantry soldiers, - who have proceeded you as a guard to the herd., until further orders.

It is desirable, if circumstances permit, to take a reconnaisance on, or toward the Canadian, with a view to falling in with any marauding party of Apaches, whom you are to consider as hostile.

It may be, that you will find it advisable or necessary to endeavor to recover cattle, driven off by the indians.

Respectfully,

Yr. Obdt. Servt

P. S. Geo. Cooke

Lt. Col. 2 Drags.

Lt. D. Bell 2 Drags

Comdg Co. H 2 Drags.

Hd Qrs. Fort Union, N. M.

March 11th 1854

Major

I should perhaps sooner have sent you information of late hostile proceedings in this quarter between the Apaches & my command.

The consequences of numerous petty depredations & the war-like tone of these indians, several scouts have been made & Lieut. Bell with 30 dragoons met them on the 5th inst about 70 miles east, beyond the Canadian, when after an interview he was forced to attack them; they succeeded in escaping to impracticable ground, which was very near, with a number wounded leaving five killed: We had two killed & 4 wounded. The next day they attacked our large herd of beef cattle, - which unknown to us, the contractor had placed about 20 miles from where the combat took place, killed one or two herdsmen, & drove off it is said 200 beeves: - a small band of Utahs, under Chico Velasquez, succeeded in saving the balance, - for the time: Lt. Bell has again gone to look after the safety of the herd.

I have just learned, that two of these Apaches, have since been met, with two of their women, near Mora, taking your direction, so that it is probable that the mass of them have taken the same course, fearing perhaps near attacks on their old ground.

Meanwhile I am led to believe that the Utahs have been following the same conduct, perhaps with like results in your quarter & beyond.

I expect reenforcements will be sent to me from below?

Please to advise me by return express of the state of matters.

Very respectfully

Yr. Obdt. Servt.

P. S. Geo. Cooke

Lt. Col. 2d Drags.

Major Geo. H. Blake,

Comdg.

San Fernandez de Taos.

Head Quarters, Dept. of New Mexico

Albuquerque, March 12, 1854

Colonel

I am instructed by the Comdg General to inform you that he has received with lively satisfaction the report of Lieut. Bell, 2d. Drags, giving an account of his triumph over the "Jicarilla Apaches", and will make special report of it to the Comdg. General of the Army.

Lieut. Sturgis and Moore leave here in the morning with sixty Dragoons, with orders to report to you for such service as you may require.

Major Blake is ordered to cooperate with you, to a certain extent, should you require assistance from that quarter; he will be furnished by express with a copy of the order herewith enclosed.

It is important, at this time, not only to keep open the road by which the mails are carried, but to press these Jicarilla marauders to the last extremity; it is not advisable to patch up a hasty peace with them; talking in the present state of affairs will be of no use. - If you require additional force, inform the General by express, and he will send it. The General suggests that the Company of Bvt. Lt. Col. Brooks with Rifles and mounted Howitzers could be usefully employed in escorting trains through that part of the road infested by hostile Indians - he is unwilling however to trammel you with more precise instructions, knowing as he does your experience and fitness for the service required to be performed.

The General is desirous to have the troops return to this Post as soon as their services can be dispensed with.

I am Colonel very respectfully

Your obt. Servant

W. A. Nichols

Asst. Adjt. Genl.

Lieut. Col. P. St. Geo. Cooke

2 Dragoons,

Commanding, Fort Union, N. M.

Hd. Qrs. Fort Union, N. M.

March 14th, 1854

Sir,

On the 9th inst., having heard nothing of the government cattle I sent Lieut. Bell with a platoon of his company, to find out where they were, to endeavour to secure them if lost, and to establish over them a guard of 13 foot soldiers, who were sent about the same time. He was first to march to Rayado, where the contractor lives, & where Captain Sykes supposed the cattle had been driven; - and after accomplishing his object, to make a reconnoisance on or toward the Canadian. He met on the road the next morning, some Mexicans whose report led him to change his course to the crossing of the Canadian, expecting to find the contractor, Mitchell, and the herd there: Not doing so, he sent the foot soldiers to Rayado, and marched down the river 20 to 30 miles, as near to it as he could, when, having no guide, he turned homewards.

Beyond Gallenos Mountain he chased & captured several indians who ran towards it; - but it turned out they were Pueblos: this was the 11th inst; the same afternoon some Mexican hunters passed here, who reported they had met two Apaches beyond the mountain, & had seen a large fresh trail leading into it, made, they fully believed by that tribe

I prepared a command of 20 dragoons, - with the use of eight condemned ponies - to march there before daylight next morning, under Lieut. Maxwell: when the arrival of Lieut Bell, after night, with the information that it was a large party of Pueblos, prevented the detachment, which might have had serious consequences.

The morning of the 12th I sent an express to Rayado, to gain information: (& also one to Maj. Blake in Taos valley with information of our proceedings, & to get of him the state of affairs there.

At noon today, I received a letter from the Alcalde of Mora with information that 45 lodges of Apaches, - including probably only ten men, had gone there in great alarm, - but I shall enclose letter. Bransford, who brought it, states that Mr. --- guide recognized one or two who had been in the fight.

The Express from Rayado has since returned without any information: - the Sergeants command was there, nothing had been heard of the position of the cattle or Mitchell, who had gone, it was reported, after the ----? with some Utahs. It seems impossible to get news of ---- (Missing side of letter) I regret that Captain Sykes - who if any one here, ---? "charge over them --- did not consider it necessary or advisable to call on Lieut. Bell for a force --- as author ---? & invited by my hasty message, sent at 3 o'clock in --- morning through Dr. Byrne, to be used for their --- security, when the head herdsman was met coming from them, and with information that they were in charge of five Utahs.

.....Continued.....

.....Continued .....

I am at a loss what word if any to send to the Apaches at Mora, until I can get some certain information of their attack or attacks upon the herdsmen & cattle, the amount of loss.

An escort to meet the mail will leave in the morning.

There being a necessity for more horses, on the 9th I ordered the Asst. Qr. Mr. to purchase ten or fifteen (having in your letter of the 2d inst. written before hostilities had occurred, stated as the only difficulty in the way of my previous application, that there were no American horses to be had in the territory.) By the 12th -- six very fine horses were purchased; & yesterday three good ones were brought in, but the price offered was refused.

A vast number of Buffalo hunters with many loaded wagons passed here from the prairie yesterday: I suspect the Mexicans generally have too good an understanding with the wild indians, to suffer much from them: - but property holders, as far as I have heard are highly pleased with the course which was taken against the Apaches.

Very respectfully,

Your obdt Servt

P. S. Geo. Cooke,

Lt. Col. 2d. Drags.

Major W. A. Nichols,

Asst Adjt Genrl &c

Albuquerque, New Mexico.

P. S. March 15th I enclose Lt. Bells report of killed and wounded, which he had scarcely time to make with his first report.

Hd. Qrs. Fort Union, N. M.

March 19, 1854

Major,

As empowered by Dept. Order No. 15 - of which you have been furnished a copy, I have to call upon you for a company, strengthened, if necessary, to 45 or 50 mounted men, to march as soon as practicable to the village of Mora.

There are believed, to be forty five lodges of Apaches camped three miles from there: they came in five or six days ago, in real or pretended alarm, professing innocence & a desire for peace: - there were at least ten men among them - there may be 70 or 80: -

If these same circumstances are found existing on the arrival of the company, my present view, & convenient vicinity, in observation, & to enforce their neutrality. The Officer in command may however expect to meet or receive more definite instructions.

If however he should find on his arrival, that they have fled, or should they do so or attempt to do so afterwards, he will pursue their trail, - employing if desired a guide & trailer, and when overtaken, he will attack the males, it not quite submissive, & make prisoners of women.

The command then, had better bring rations to the end of this month; The Quartermaster here will make arrangement for the supply of forage at Mora: & will send rations on receiving a provision return.

I am Major

very respectfully

yr. obdt. Servt.

P. S. Geo. Cooke

Lt. Col. 2 Drags.

Major Geo. A. H. Blake, 1st Drag.

Commanding, Cantonment Burgwin.

P. S. It is possible, this express may carry you information if the Apaches have left frightened perhaps by the arrival of troops from below. - If so please send the company, strengthened as much as you conveniently can, & with sufficient provisions to take their trail. I have this moment received your letter of the 17th inst.

P. S. Geo. Cooke.

Hd. Qrs. Fort Union, N. M.
March 22, 1854

Sir,

You will march with your detacht by the most direct route to the Canadian at a pass known to your guide - which according to the best information must be in the vicinity of the spot from whence the herd of public cattle were driven off by the Apaches: You will seek to fall upon some important trail made by them in driving them off, - or leading from the battleground of Lieut. Bell, which is also in that vicinity. If the indians scattered, making a number of trails, take in preference that leading nearest the direction down the river - but to the best of your judgement, under all circumstances which arise endeavour to find the Apaches who remain in that part of their country, as by examining their most probable retreats and haunts.

It is supposed the hostiles have gone to the Pecos, if so, you must inevitably find their trail passing the Canadian: Lieut Bell will march tomorrow to scour the river on this side; and it is probable you will fall in with him, in the lower part of the Apache range, which is understood not to extend far below the Cinto mountain; otherwise he will have fallen in with a considerable trail leaning to the Pecos, & followed it, which he will do, without waiting a junction with you, if he can obtain a good guide; in which case, & it appearing that the indians have left the Canadian, you will follow Lt. Bell's trail. (But if they have not, you will return to this post, examining the country on a different route).

The indians must strike the Pecos at Anton Chico, or one of the new settlement, in that vicinity; & then, both detachments must remain, protecting these ranchos, - obtaining such food as is there to be had (if your twelve days rations shall have been consumed) until I can be informed by express of the state of affairs, & shall go, or send rations & further instructions. An express with information, will also be sent by the commander of the first detachment which arrives there, to Dept. Hd. Qrs.

The Apaches are to be pursued & attacked vigorously. I enclose some extracts of the Genrl. Comdg. on this point; - and also, of two reports of the contractor as the loss of the cattle; If any of these are recovered, take such course as the circumstances will permit for their safe disposition: and in your report, special mention will be expected of the signs indicating the circumstances of their loss.

Very respecfully
Yr. Obdt. Servant.
P. S. Geo. Cooke,
Lt. Col.. 2d Drags.

1st Lt. S. D. Sturgis, 1st Drag.
Comdg a Detacht lst Drag.

Present

Hd. Qr. Fort Union, N. M.

March 23d 1854

Sir,

You will proceed in command of your company in search of the hostile Apache; You will descend this side of the Canadian River - by Canon Largo, to the vicinity of Cinto Mountain, & lower if you find any indication of the presence of these indians. Next, if they have not been found, or pursued elsewhere, you will march to the Pecos river, examine the vicinity of Anton Chico, & the new settlements near there: - If the hostiles have escaped, & you know that they have gone down that river, in any considerable number - you will remain in that neighborhood until further orders, & send me an express with a report of the facts,: & also one to Dept. Hd. Qrs: - and it may become necessary to purchase there provisions until you can be supplied by me. But if successful, or it becomes apparent that there shall be no further occasion of hostilities or pursuit from that quarter, you will march back to this post. 1st. Lieut. Sturgis 1st Drags, who marched by the other side of the Canadian, has similar instructions. Your commands will cooperate, & if you form a junction, he will of course have the command.

Very respectfully,

P. S. Geo. Cooke

Lt. D. Bell 2d Drags

Comdg. Co. Hd.

Present

Head Qrs. Fort Union NM

March 23, 1854

Major,

I have instructed Lt. Davidson to march his company back to his post, the Apaches in larger numbers, than was supposed, having been met by him on their way to Taos (Having started before they received any message from me).

The only cooperation I have to ask of you at present; is to watch or control these indians until there is a settlement with the rest of the tribe. Their warm professions of friendship are founded upon their present fears, & poverty? of their horses.

Very respectfully

Yr. obdt Servt

P. S. Geo. Cooke

Lt. Col. 2d Drags

Major Geo. A. H. Blake,

1st Drags.

Comdg. Cant. Burgwin.

To: Hon. Mr. J. Messervy

Acting Governor and Superintendent of Indian Affairs

Santa Fe, NM

From: Utah Agency

Taos New Mexico

March 27th 1854

Sir

I have the honor to report that on the 25th instant I had council with eight Jicarilla Apaches including two of their chiefs at Cantonment Bergwin and they seem to be friendly and well disposed to all citizens. There are at present about one hundred warriors with their families stationed near Picuris engaged in making earthen vessels. They say they were not engaged in any of the depredations committed on the east side of the mountains and that none of them were engaged in the fight with the Dragoons on Red River; and that they have come over on the west side of the mountains near the settlements, in order to show their friendship and make (ollas) earthen vessels to trade to the Mexicans for provisions, as they are in a starving condition.

I would respectfully recommend the appointment of a special agent to reside among the Jicarilla Apache, and that he be furnished means to procure provisions such as are absolutely necessary for them; and to advise them to desist from committing thefts and robberies. I believe if such a course is pursued the Apaches would soon become quiet and contented. As I said before there are one hundred warriors with their families near Picuris in a starving condition and there is no game in that region by which they can support themselves. The government must either subsist them for the present or allow them to steal.

I am, Sir, Respectfully Your Obedient Servant,

C. Carson

Hd. Qrs. Fort Union, N. M.

March 28th 1854

To the Comdg. Officer,

Cantonment Burgwin

Sir,

The Apache chiefs, or principal men who came down with Major Blake, are sent back with the bearers of this: - I told them that as long as their band should demean themselves in a friendly & inoffensive manner, they should in no way be held responsible for the band whom we have chastised, and against whom, there are now a squadron of dragoons in the field.

And to prevent accidents they must confine themselves to their proper ground, in the vicinity & beyond the valley of Taos: obeying the instructions of their agent.

All that seems to be required of you then, is to be watchful of these indians & the temper they show; & to pursue & attack any warlike or depredating party that may be formed, giving notice to me of any important indication or move.

Very respectfully

Yr Obdt servt.

(no signature – Geo. Cooke?)

Head Quarters, Dept. of New Mexico

Albuquerque, March 29, 1854

Lt. Colonel L. Thomas

Asst. Adjt. Genl.

Hd. Qurs. of the Army

New York

No. 94 Colonel,

I have the honor to report for the information of the Major General commanding the Army, that a very spirited affair came off on the 5th instant, some sixty miles from Fort Union, between the Jicarilla Apaches and a detachment of the 2d Dragoons commanded by 2d Lieut. Bell. The parties were about equally matched as to numbers, say, 24 warriors each, and both ready to measure their strength. The result of the conflict is, that the Indians lost five killed and many wounded, the detachment of Dragoons lost two killed and four wounded, the Indians fled in great disorder to the canons and gorges of the Canadian.

This is part of the band that captured and killed Mrs. White and subsequently killed off the mail party near wagon mound. The chief, most prominent in these operations, "Lobo," was killed by Lieut. Bell who has certainly managed this affair with discretion and gallantry. That you may be fully informed of every particular, I send, under cover, the Report of Colonel Cooke 2d Dragoons, together with the Report of Lt. Bell.

Something over 100 Dragoons have, subsequently to this affair, reported to Col. Cooke by my order, with instructions to keep the mail route open and to settle accounts with this band of outlaws without further parley.

Very respectfully I am.

your obt. Servant

John Garland

Bt. Brigr. Benl.

Comdg.

Lieut. Col. P. St. Geo. Cooke

2d Dragoons

Commanding

Fort Union, N.M.

Head Quarters Dept of New Mexico

Albuquerque April 1st, 1854

No. 100 Colonel,

I am instructed by the Brig. Genl. Comdg to inform you that Major Blake reports under date of the 30th ulto that the Apaches and Utahs numbering 250 warriors attacked Lt. Davidison's Compy 60 strong, at Cieniguilla and very nearly overwhelmed it.

He directs that you proceed forthwith to Don Fernandez De Taos, with such force as can be spared from Fort Union, including Brooks Compy armed with rifles, and take charge of the operations going on in that quarter.

In addition to the troops already there Carleton's Company, 50 strong, has been ordered to proceed to the scene of action taking orders from Major Blake until your arrival.

The remainder of Ewell's Compy will be ordered up in case of any further disaster.

The General will be at Santa Fe so as to be near you, and to any reports which you may find it necessary to make. He fears it will become necessary to call upon the Govr. for Volunteers, and desires that you leave these fellows no place to plant a foot upon.

Major Rucker Asst. Qr Mr must throw into Taos ample supplies of subsistence stores, except flour and beans of which articles there is an abundant supply.

I am Colonel very respectfully

Your obt Servant

W.A. Nichols

Asst. Adjt. Genl.

Lieut Colonel L. Thomas
Asst. Adjt. General
Head Quarters of the Army
New York

Head Quarters Dept of New Mexico
Albuquerque April 1st, 1854

No. 103 Colonel,

I have the honor to enclose, herewith, for the information of the General in Chief, a copy of a report from Major Blake 1st Dragoons, very unsatisfactory as regards particulars.

The Indians, Jicarilla Apaches and Utahs, have managed to combine a force of 250 warriors, and unexpectedly attacked a company of Dragoons 60 strong, about 26 miles from Fernandez de Taos, under the command of Lieut J. W. Davidson 1st Dragoons, and succeeded after a desparate conflict in overwhelming it.

Lt Davidson and Asst Surgeon Magruder, both wounded, returned from the battle field with about seventeen men, most of them wounded.

The troops displayed a gallantry seldom equalled in this, or any other country, and the officer in command, Lieut Davidson, has given evidence of soldiership in the highest degree creditable to him, to have sustained a deadly contest of three hours when he was so greatly outnumbered, and then to have retired with the fragment of a Company, crippled up, is amazing, and calls for the admiration of every true soldier.

To prevent further disaster I have ordered Lieut Col. Cooke 2d Drag's to take the field with about two hundred Dragoons and a Company of Artillery, armed with rifles. If hostilities are continued, and I have but little doubt such will be the case; I will be forced to call upon the Governor of this territory for two or three companies of Volunteers.

It is very desirable that a strong mounted force, with a good supply of horses, be sent out early in the spring.

I leave in the morning with Carleton's Company of Dragoons for Santa Fe to watch events, and to consult the Acting Governor about volunteers.

The Utahs are the best armed, and most warlike of all the Indians in New Mexico, and it is a matter of surprise that they suffered a soldier to get back to his post. They must have been badly cut up.

I am Colonel Very respectfully
Your obt Servant

John Garland
Bt. Brigr. Genl.
Comdg

Cantonment Burgwin, N.M.

April 1st 1854

Sir:

Pursuant to your orders, I left this post on the evening on the 29th ult. with a command of sixty men of "F" and "I" Troops, 1 Drag. accompanied by Asst. Surg. D.L. Magruder, U.S.A. On the morning of the 30th about 8:00 I came upon the Apaches near Cieneguilla who at once commenced the war whoop. There was but one thing to do. I dismounted my command, and attacked their camp on a mountain ridge driving them from it. They rallied at once, however, and charged the command – encumbered by horses at close quarters several times. After a desperate fight of near three hours I was compelled to withdraw with my wounded whom I succeeded in bringing to Taos. The melancholy duty now revolves on me of reporting twenty two of my gallant command killed upon the field, and twenty three wounded, and upwards of forty five horses killed and lost in action. I refer to the accompanying list of killed and wounded for details. There were from my own observation and that of the Pueblo Indians who went out with Major Blake to bring in the dead, upwards of three hundred Apache and Utah warriors who opposed me. A large odds against us. I confidently report not less than * "fifty to sixty" Indians killed in the fight and a great many wounded.

I am sir

with high respect

your mob't ser't

Lieut. Davidson

1 Lt 1 Drag.

Comd'g – Det.

Major

1 Dragoons

Cammanding

* "thirty to forty"

The alteration of the Indian loss from "fifty to sixty" to "thirty to forty" has been made at the request of Lieut. Davidson.

J.G.

Report of the killed and wounded of F. & I. Troops 1st Dragoons in an action with the Apache Indians near the Cieneguilla 16 miles south of Don Fernandez de Taos, N.M. on the morning on the 30th March 1854.

	Names	Remarks
F Troop. Killed		
Private	Brieswood	Killed in Action
"	Schmoutz	Do Do Do
"	Bowditch	" " "
"	Awart	" " "
"	Kimble	" " "
"	Mitchell	" " "
"	Higgins	" " "
"	McDonald	" " "

Total Killed of "F" Troop in Action, 8

"I" Troop		
1ST. Sergt.	Holbrook	Killed in Action
Sergt	Kent	Do " "
Farrier	Snell	" " "
Pvt.	Bradley	" " "
"	Breuker	" " "
"	Dale	" " "
"	Driscoll	" " "
"	Gibbins	" " "
"	Humbert	" " "
"	Null	" " "
"	Pease	" " "
"	Reunie (Reurise)	" " "
"	Rottiger	" " "
"	Ryan	" " "

Total No. Killed in "I" Troop 1st Drags. 14

Report Continues

	Names	Remarks	
F. Troop, Wounded			
Corpl.	Davis	Slightly	Wounded
Private	Fell	Severely	Wounded
"	Flood	Do	"
"	Mahoney	Do	"
"	Winter	Slightly	"
"	Buck	Severely	Bruised
"	Bawles	Slightly	"

Total of F. Troop wounded. 7

"I" Troop Wounded

Lieut. Jno. W. Davidson, 1st Drags.		Slightly	Wounded
Corporal	Dempsey	Severely	Wounded
"	Byrnes	"	"
Buglr.	McGrath	Slightly	"
Pvt.	Baitsell	Severely	"
"	Bronson	"	"
"	Crant	"	Bruised
"	Curtis	Slightly	Wounded
"	Joseph Dowd	"	Do
"	Junkins	"	Do
"	Frederick Miller	Severely	Wounded
"	John Miller	"	"
"	Samuel Somerville	Slightly	Do
"	Sullivan	Severely	Do
"	Weldon	Slightly	Do

Total No. of Wounded in "I" Troop. 15.

Asst. Surg. D. L. Magruder. M. S. Slightly Wounded

Recapitulation

Total Killed in Action	22
" Wounded	23

To: Hon. Mr. J. Messervy

Acting Governor and Superintendent of Indian Affairs Santa Fe, NM

From: Utah Agency Taos New Mexico April 2 1854

Sir

I have the honor to report that on the evening of the 30th ultimo Mr. L. Head special agent reported to me at Los Luceros and I immediately ordered him to accompany me to Taos. The next day (31st) at La Joya I met an express going to Albuquerque who informed me that about sixty dragoons the day before had had a fight with the Apaches on the Embudo Mountains. I therefore ordered Mr. Head to return as I did not deem his services necessary any longer in the capacity of Special Agent for the Jicarilla Apaches. On reaching Embudo I ascertained from the best information I could obtain that the Apaches had crossed the (Del?) route the night after the fight but had left fifty of their best men well armed in the mountains to watch the different roads and give notice of the approach of troops. I therefore concluded to go by the way of Picuris and at Embudo. I got some 8 or 10 Mexicans to accompany me as far as Picuris where I got some Pueblo Indians and Mexicans to go with me to Cantonment Bergwin where I arrived yesterday about 1 o'clock p.m. and was there informed that a few moments before I arrived there three Apaches had driven off the stock belonging to the post, but that the troops followed them, fired upon them, and recovered the stock.

On reaching the agency I ascertained that there were sixty dragoons under the command of Lieut. Davidson, lst Dragoon engaged in the fight with the Jicarilla Apaches in the Embudo Mountain on the 30th ultimo. There were twenty-two dragoons killed and twenty-one wounded, besides several horses killed. All the arms, ammunition, and twenty-two horses of the killed and wounded fell in possession of the Apaches. The dead and wounded have all been brought in. The dead 22 in number were buried last evening.

I understand that Col. Cook, U.S.A. will leave here on the 4th instant with about two hundred men in pursuit of the Indians. I shall accompany the command as requested by Col. Cook.

I am, Sir, Respectfully Your Obedient Servant, C. Carson

Hd. Quarters Dept. of N. Mexico
Santa Fe April 7th, 1854

Lt Col. Cooke, P. St. G.
2d Dragoons
Comdg Troops in the Field
near Abiquiu

No. 113 Colonel,

I send you the within information contained in a letter from Felipe Martinez, for what it is worth.

The two Indians "Chama and Potrio are undoubtedly spies. I hope you will listed to no proposition for peace until these marauding Apaches have been well whipped, give them neither rest nor quarter until they are humbled to the dust. You will doubtless find some small detached parties, they are nothing more nor less than so many lookouts, don't spare them.

A Mr. Head has just come in from Abiquiu, he is the Special Agent for this superintendency, and thinks that no part of the Eutahs proper were in the fight, and that they will not allow the Apaches to take shelter among them, of this however you must judge.

He makes the following statement. "Flechas Rayada," the successor of Lobo commanded in the fight with Lt. Davidson, had 150 men, and lost three only, that he had his party collected at a small bayou 12 miles from "Ojo Caliente" day before yesterday, and would give battle if he could draw you into bad ground, was willing however to give up the horses and arms captured provided peace was made with them.

He reports "Chacon" 1st Chief of the Jicarillas and "Chico Valasques," a renegade Utah, as having small bands numbering in all about 50 warriors and as being now in the vicinity of Fort Massachusetts. They are the head devils who murdered the White family, and the mail party at Wagon mound, and I desire above all things connected with your Campaign to hear that they have been hung.

Bvt. Major Brooks marched with his Company yesterday for Taos to await your further instructions.

Very respectfully
Your obt. Servant

John Garland
Bt. Brigr Genl.
Comdg Dept

Camp on Puerco

Apl 12, 54

To the Hon

Wm. Messervy

Gov. & Sup. Ind. Affairs,

Sir,

Having become acquainted with the commencement of the War on the Apaches about Taos, & accompanied Col. Cooke in his present expedition, I have to report to you, first, that in my opinion, they were driven into the war, by the action of the officers & troops in that quarter: - that since they have been attacked, with loss of lives, property, suspicions: vigorously pursued through the worst mountains I ever tracked through, covered with snow: - that their suffering & privations are now very great, - but that thinking there will be no quarter or mercy shown them, they will resort to all desperate expedients to escape any sort of pursuit & they have scattered now in every direction.

Under the circumstances, I will await at Abiquiu, for your consideration of this matter, & decision: - My opinion is that it would be best for them to be sent for, and a fair & just treaty made with them. I have no doubt they would be glad to surrender all the government property which they got possession of, from Lt. Davidson's men.

Very respectfully

Your obt. Servant

C. Carson

Indian Agent

To: Hon. Mr. J. Messervy

Acting Governor and Superintendent of Indian Affairs Santa Fe, NM

From: Utah Agency Taos New Mexico April 14 1854

Sir

I have the honor to inform you that I left my Agency, on the 11th instant to accompany Col Cook's command on an expedition against the Jicarilla Apaches. The command overtook the Apaches on the 8th inst. on the head waters of the Rio Ojo Caliente, wherein they had fortified themselves in the rock of the mountains but the troops apprehended them and a running fight was kept up between the troops and the Apaches for several hours on foot until near sunset when the troops finding that they could not succeed in catching the Indians encamped for the night. In the action one soldier was killed and another wounded. A corporal and four men were sent back with the wounded man to Ballacito [sic]. The morning after the engagement the command started in pursuit of the Indians, and following them for four days through deep arroyos and over some of the most rugged steep and rocky mountains I have ever seen and finding that the Apaches had separated and gone in different directions, the Col. commanding returned with the troops. To Abiquiu, the nearest settlement for the purpose of refreshing his animals preparatory to another expedition.

The officers and men on this expedition deserve great credit for their brave and daring spirit which they manifested during the engagement and for their zeal and alacrity with which they pursued the Indians over mountains and rocks and through deep canyons and snows where I would have thought and believed that no American troops even infantry, much less dragoons, could ever have passed.

At Abiquiu I learned that a Utah Indian came into the Ballacito[sic] for the purpose of trading for something to eat. Where a corporal and some men had been left with the wounded men and while there the corporal took from him his horse, saddle and arms without any orders or instructions whatever from Col. Cook. I learn that the corporal sent the horse to Santa Fe. I immediately on learning the facts sent a runner with the arms of the Utah Indian to their villages and to tell the Indian to come to my agency and I would return him his horse or if not found that I was authorized by Col. Cook to purchase another for him equally as good. Col. Cooke wishing to maintain amicable relations with the Utahs, and figuring that this difficulty might be means of enticing them to commit hostilities against the Americans and Mexicans, requested me to return to my agency and endeavor to settle the difficulty. I therefore left the command at Abiquiu and returned to my agency when I arrived on the 16th instant.

Today Chico Velasquez with four of his band came to this agency and stated that the Utahs are all peaceably and favorably disposed towards Americans, Mexicans and Pueblo Indians, and that neither he nor any of his nation has been engaged with the Apaches in fighting the American troops; and that the Utah do not allow the Apaches to come near their villages or hunting grounds. He states that soon after the fight which the troops had with the Apaches on the Embudo Mountains, a party of Apaches came to the Utah villages and entreated the Utahs to join them in fighting the troops but that his people promptly refused and bade the Apaches leave and not to return as long as they were at war with the Americans. He states also that all the principal chiefs of the nation are coming to the Conejos and he thinks they will reach there today or tomorrow.

Chico Velasquez informs me that Chacon, an Apache Chief was not in the fight of the 30th ult. on the Embudo mountains, but on learning that his people had fought the troops he stated that it was not his desire or wish to fight the Americans, but that his people had now made war upon them and he supposed he must either fight or die. With this conclusion Chacon found his tribe and was in the fight on the 8th instant.

I have given a few presents to Chico Velasquez and those who came with him, which I trust will meet with your approval.

I am, Sir, Respectfully Your Obedient Servant, C. Carson

Letter from Lt. David Bell, 1st Cavalry, to Lt. Robert Williams, 1st Dragoons:

Fort Leavenworth K.T.

Dec. 27th 1854

Dear Williams

The mail from N.M. arrived here two days since and I was truly gratified to hear from you. The mail was delayed several days as the contractors have succeeded in disproving one of the received axioms of Geometry, namely that "a straight line is the shortest distance between two points," and consequently instead of bringing our mail direct from Independence, they cross the river at Liberty, go to Weston and recross to this place. As the ice has been swimming in the river for some days they were unable to do this and I finally sent a sergeant for the mail and got it after being annoyed by a delay of several days.

You speak of Lt. J. W. Davidson of your Regt. and his course in relation to his fight etc. Now as Davidson is an officer of your regiment I am perfectly willing that he should see anything I write about him and if you think proper, I am perfectly willing you should show him my letter, for I would sooner to say anything behind his back that I would not present to himself, and vindicate in the proper manner. As this is a subject affecting a member of your regiment I will give you my opinion in full, which however you will find to be that of officers at your own post.

On the evening of the 21st of March Lt. D. arrived at Fort Union from Mora where he had left his company and reported to Co. Cooke for instructions. I was present when he arrived and afterwards during several conversations between him and Col. Cooke in relation to the Indians, their mode of and ability for war etc. Col Cooke and myself occupied the same home and Lt. D. was our guest. He stated that on his way from Cantonment Burgwin to Fort Union where he had been ordered by Col. Cooke he met the Apaches in a cañon between the former place and Mora, that he had halted his command and, with Col. Brooks, had a talk with them; he described them as being overwhelmed with fear and protesting that they desired peace, stating also that he had made advantageous dispositions for battle in case they exhibited any signs of insolence or hostility. He also commented on the miserable quality of their arms, and their mean shrinking deportment, at the same time avering that he was sorry they did not show some signs of hostility, for that if the (sic) had he he (sic) would have "wiped them out". In the same conversation he stated that the number of warriors counted at the time amounted to one hundred and seven.

When informed that these same Indians had, two weeks previously, when attacked by a command of Dragoons, evinced anything but a cowardly spirit, he reiterated his assertion, or rather boast, as to what he could do with them. On the 22nd inst. I went on a scout down the Canadian and across to Anton Chico and returned to Fort Union on the 29th. Sts. Sturgis and Moore who left Ft. U. on the 21st and kept further to the east returned on the 30th. On the 31st, an express arrived at Ft. U. from Cant. Burgwin, with a communication from Maj. Blake giving an exaggerated account of the fight at Cieneguilla. In justice to Maj. Blake however I will state that the exaggerated account of the affair was founded upon data furnished by Leut. D. himself. In a few hours we were en route for Cant. Burgwin where

we arrived on the 1st of April. Davidson met our command near his quarters and in reply to some questions from Col. Cooke, which was asked with much apparent concern as to the result of the affair of the previous day, he said in a self-confident and positive tone that he had "killed fifty or sixty Indians" – This was asserted as a fact – I was present. Lt. D. left Cant. B. on the 29th inst. under orders from Major Blake to follow and watch the movement of the Apaches, but to avoid if possible bringing on an action." He marched a portion of the night and on the morning of the 30th sent a guide with two men, to a ford on the Rio Grande below Cieneguilla, to ascertain if the Indians had crossed the river.

A trail was afterwards discovered leading up a hill, the advance guard was sent to reconnoiter the position of the Indians, and soon returned saying that when they arrived at the camp which was on the top of a hill, the Indians had leveled their rifles upon them. Upon being thus informed Lt. D. says he cursed the Corporal and demanded to know of him why he had not fired upon them with his revolver. The Corporal also reported that the Indians told him (in Spanish) to "come on." Lt. Davidson now dismounted his command in a cañon, divided it into two platoons and advanced upon the Indian Camp which contained their families, and now was to be fulfilled the prediction about "wiping them out." It is at least doubtful who fired first – but what matters it? – Was not the advance upon the Camp in a hostile attitude a bona fide attack? Nobody would doubt it practically if his position was that of the Indians and Lt. D. would have been one of the last to do so. If he had been under the command of almost any officer other than Maj. Blake he would have been tried for disobedience of orders. Again let us look at the manner in which the affair was conducted.

The command advanced in two platoons as nearly in line as the nature of the ground and other circumstances would admit. This was the most unmilitary as well as the most exposed order possible – it could not be expected that a display of numbers would intimidate the Indians while a large mark was thus presented to their concentrated fire. This is no labored scientific deduction – A non-commissioned officer who would not have appreciated it upon the ground should have been reduced for incapacity. But if exception is taken to this mode of approaching a crouching and concealed foe what are we to think of the second attempt to go up a steep hill each man leading his horse. The horses alarmed by the noise and confusion of the fight would refuse to advance and the men would struggle with them unwilling to abandon them and thus instead of using their weapons would fall victims to the fire of a concealed enemy.

An attack could not be made mounted and to attempt to lead the horses would expose the men. What was then to be done? To abandon the horses of course. This ill-advised and unfortunate attack finally arrived at the top of the hill, leaving behind those who were killed or wounded, and now the command is given "mount men and save yourselves" – this Lt. does not or at least did not deny. This order was calculated to strike terror to the heart of the bravest soldier, for he would know that nothing but the utmost exertion could prevent his falling a prey to the merciless savage. This order was alone sufficient to ruin a command. The consequence was a disorderly flight over ground of the difficulties of which the Indians knew well how to take advantage. Every other consideration was forgotten in that of personal safety and hence the entire abandonment of arms etc. Every man exerted his energies to save his own life while he abandoned his wounded comrades to be butchered. I have conversed with Major Blake, Maj. Thompson and Mr.

Quinn all of whom visited Cieneguilla the next day and the result of their stories is this that 5 men only were found dead upon the side of the hill up which Davidson advanced, and it is by no means certain that they were dead when the retreat was ordered, while 14 men were found on the hill side down which the flight took place, and two or three more in the ravine below. This cannot be denied and it proves that a command of 57 Dragoons retreated without an attempt to preserve order when they had lost 5 of their number. Davidson says in his official report, which I have read, that there were 250 or 300 Apache and Utah warriors in the fight that he fought for three hours and has every reason to believe he killed a large number of Indians. In the first place there were no Utahs in the fight & secondly there were not more than 130 warriors (Apaches) in it, as Carson or any person who followed them will tell you. If 50 or 60 of these had been killed the rest must have been wounded if any sort of usual proportion between killed and wounded obtained. As to fighting three hours that is the most ridiculously absurd assertion in the whole report. A Cartridge Box (cavalry) holds some 30 to 50 Cartridges. How long would it take a man to fire this number of Cartridges assuming that he fired all of them? But in the excitement of action most men will lose a large portion of their ammunition. I think any reasonable man will agree that Davidsons fight never lasted 30 minutes, his assertion to the contrary notwithstanding. In regard to the probable number killed I forgot to say that it is a remarkable fact that the number of lodges after the fight was the same as before and we were informed in every Mexican settlement through which we passed in the pursuit, that the Indians said they had lost only two men in the battle. I could pass over most of these things and seriously sympathize with Davidson in his misfortune, but when an attempt is made to transform an unskilled attack, a feeble resistance, a disorderly and disastrous flight, the combined consequences of which entailed upon others days of toil and nights of suffering and present that to the world as a glorious triumph, I do not conceive it my duty longer to be silent for I am one of those who suffered from these misguided movements. However others may regard the matter I cannot but think that remaining silent is very near akin to countenancing tacitly a gross imposture – The correspondence recently published in the Santa Fe Gazette between Lt. Davidson and Mr. Davis should relieve all who are cognizant of the facts of any feeling of forbearance towards the former – he then attempts to make Capital out of what he knows to be an error and wishes to force upon the public what he does not himself believe. There is one other circumstance of which you are probably not aware. Last winter Davidson preferred charges against Major Blake – they were of a very grave nature. A few days after the affair at Cieneguilla the Major made some remark to the effect that D. had done as well as could be expected, when D. instantly offered to withdraw the charges although if true Maj. B. had signed a false certificate etc. All of which D. was prepared to prove. Davidson acknowledged himself that Maj. could have ruined him "with a single word" - hence the spirit of mutual concession. If D. had entertained no fear why did he offer gratuitously to withdraw these charges? But there is another fact. When Davidson's conduct was assailed and he talked so loudly about a court of inquiry why did he change his tone so suddenly when he found it very easy to get the court and he was even recommended to do so by persons from whom he pretended to seek advice. I (sic) conclusion I will again say that you are entirely free to show my letter to Davidson or any of his friends for it contains not only my opinion but my convictions also drawn from unmistakable facts.

We have no news of importance except that there now seems a strong possibility that some new regiments will be raised this winter. How many we have no idea, but if Congress acts at all upon the suggestions of the President and Scry. of War it would be very natural to suppose they would raise the force recommended as indispensable. I hope

they will for without it we have no prospect keeping our red brethren within any reasonable bounds. I have applied for promotion in a new regiment but without much hope of getting it. I will however use what little political influence I can muster for that purpose. I applied to Col. Cooke a few days since for a statement in reference to my standing in my regiment, services capabilities etc. And when I received what was willingly handed me an hour or two afterwards, I was almost at a loss to make out my own identity. I had no idea I was half as clever a fellow as the Col. made me out and my modesty would hardly allow me to make use of a description by which perhaps I might never afterwards be recognized.

The retired Bill is expected to pass – it is though that the new phase under which it will be presented will be of advantage to it. I speak in regard to the limitation of time. The Pay Bill too will come up and as it appears a fixed fact that members of Congress are going to raise their own pay I don't see how they can get over giving us a little more.

The Sioux War seems now to be determined upon. We have it from Gen. Scott himself. It is still doubtful what troops will be sent out. The 2nd Infty and our companies of Drags, with one or two companies will go out of course and if there is an addition to the Army it is expected that the whole 2nd Drags will be ordered out in which case we will have a lively time of it. The Indians are reported as being very hostile and confident in their numbers. I think however with a Battery or two and a regiment of Drags we will rather worst them in a pitched battle. We have not experienced any more recruits. A detachment was ordered here but the order came so late that navigation had closed. It is probable however that they will reach us from St. Louis. Our Hd. Qrs have not yet arrived but we expect them soon. There is very little pretension to gaiety or even sociability here. No parties or amusements. Besides I have been sick ever since I came here and am so badly knocked up by rheumatism that I can scarcely hobble about.

Robertson received your letter addressed to him at Jeffrs. Bks. and will write you. He, Polk, Hight etc. send their love.

You must have had quite a lonely time during the absence of the ladies on a visit to Fort Filmore. I would give anything to be at Ft. Union a few days – this place is intolerably stupid. I spend my time principally in reading. I have been deeply engaged from the last two months in the study of some French Military books from which I have derived much pleasure and I think some useful knowledge too. I have poured over them for whole nights when my rheumatism would not let me sleep.

I have now three or four other letters to write to Fort Union. It is now late and I must get them in the post office tomorrow morning. So I will have to conclude. My love to Byrne McCook & Magruder. Remember me to all my friends at your post and dont forget to write by every mail.

Yours very truely
(signed) D. Bell

P.S. Buford has been ordered to his company. Oaks and Garrard detailed on duty at the Cavalry Depot. B. has not arrived here yet.
D.B.

Appendix B – Davidson Court of Inquiry
March 6 - 24, 1856

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Copies of Exhibits and other documents in the Archives file:

Copy of letter from Davidson to W.W.H. Davis, 24 October 1854
Exhibits A & B; letter to Recorder
Exhibit C; letter of Capt. George Sykes
Exhibit D; affidavit of Capt. George Sykes
Reference sheet (?) for Exhibit G
Exhibit G; letter from Francisco to Davidson, 27 June 1855
Exhibit H; letter from Carson to Davidson, 27 June 1855

First page of Exhibit F; Garland's report to Washington, 1 April 1854

Proceedings of a court of inquiry convened at Santa Fe, New Mex. by virtue of the following orders. Viz.

Head Quarters Dept of New Mexico

Santa Fe February 9th. 1856

Orders

No.1

At the request of Capt. John W. Davidson 1st Regt. of US. Drags, a court of inquiry will assemble at Taos New Mexico on Monday the 10th day of March 1856 at 10 o'clock a.m. or as soon thereafter as practicable, to inquire into the truth or falsity of Certain injurious statements made against him by (now) 1st Lt. David Bell of the 1st Cavalry as contained in a letter addressed by Lt. Bell to Lt. Robert Williams 1st Regt of Dragoons, and dated Fort Leavenworth K.T. December 27th 1854 and which letter Lt. Bell requested Lt. Williams, to show to Captain Davidson and his friends.

The Court will give their opinions on the merits of the case.

Detail for the Court-

Col. Benj. L.E. Bonneville	3rd Regt of Infantry
Bvt. Maj. James H. Carlton	Captain 1st Dragoons
Bvt. Maj. William H. Grier	Captain 1st Dragoons

1st [Lt.] Henry B. Clitz-3rd Infantry is appointed the Recorder of the Court.

By order of Bvt. Brig. Genl. Garland

(over)

(Signed) W.A. Nichols

Asst. Adjt. Genl.

Head Quarters Dept of New Mexico

Santa Fe March 4, 1856

Special Orders

No. 21

The place of meeting of the court of inquiry instituted by Department Orders No 1 of February 9, 1856, is changed from Taos to Santa Fe New Mexico.

By order of Bvt. Brig. Genl. Garland

(Signed) W.A. Nichols

Asst. Adjt. Genl

Santa Fe N.M.

Monday March 10, 1856

The Court met pursuant to the above order, present-

Col. B.L.E. Bonneville	3rd Infty - President
Bvt Maj. James H. Carlton	Capt. 1st Drags.
Bvt Maj. William H. Grier	Capt. 1st Drags.
and 1st Lt. Henry B. Clitz	3d Infty-Recorder

Capt John W. Davidson 1st Dragoons being in attendance before the Court, the above orders were read in his presence, when he was asked if he objected to any of the members named therein: to which he replied in the negative. The Court was then duly sworn in his presence by the Recorder and the Recorder was duly sworn by the President of the Court.

As 1st Lt. David Bell 1st Cavalry, one of the parties concerned in the subject matter to be investigated, was not present, the Court was closed and after deliberation directed the Recorder to address the following note to the Head Quarters Department of New Mexico:

Viz:

Court of Inquiry Santa Fe N.M.

March 10, 1856

To Maj. W.A. Nichols

Asst Adjt Genl.

Santa Fe, N.M.

Major:

This Court having become organized it finds Capt. John W. Davidson 1st Drags one of the parties in the case, present, but not the other party, 1st Lt. David Bell 1st Cavalry.

The Court directs me to request that the Genl commanding the department direct that some officer, or some personal friend of Lt. Bell appointed, or, if that friend be a civilian, requested to attend the sessions of this Court, that the interests of Lt. Bell may be guarded in the inquiry which is ordered to be made.

If such friend of Lt. Bell do not appear in his behalf-the Court desires to be informed if I am authorized, as a Judge advocate to proceed in the investigation as I would be bound to do, as Judge advocate of a General Court Martial, but within the limits as laid down by the authorities on this point-

Respectfully

Your obt servant

H.B. Clitz

1st Lt. 3d Infty

Recorder

The answer to the above communication having been received, and read, was marked ("A") and ("B") and is hereunto appended. The Court was then opened and Capt. Davidson was again in attendance.

The following letter from Lt. David Bell 1st Cavalry, to Lt Robert Williams 1st Drags, was then read to the Court by the Judge Advocate-

Fort Leavenworth K. T.

Dec 27th 1854

Dear Williams

The mail from N.M. arrived here two days since and I was truly gratified to hear from you. The mail was delayed several days as the contractors have succeeded in disproving one of the received axioms of geometry, namely that "a straight line is the shortest distance between two points," and consequently instead of bringing our mail direct from Independence, they cross the river at Liberty go to Weston and recross to this place. As the ice has been running in the river for some days they were unable to do this and I finally sent a Sergeant for the mail and got it after being annoyed by a delay of several days.

You speak of Lieut. J. W. Davidson of your Regt. and his course in relation to his fight etc. Now as Davidson is an officer of your regiment and I am perfectly willing that he should see anything I write about him and if you think proper, I am perfectly willing that you should show him my letter, for I would scorn to say anything behind his back that I would not repeat to himself, and vindicate in the proper manner. As this is a subject affecting a member of your regiment I will give you my opinion in full, which however you will find to be that of officers at your own post-

On the evening of the 21st of March Lieut. D. arrived at Fort Union from Moro where he had left his company, and reported to Col. Cooke for instructions. I was present when he arrived and afterwards during several conversations between him and Col. Cooke in relation to the Indians, their mode of, and ability for war, etc- Col. Cooke and myself occupied the same house and Lt. D. was our guest. He stated that on his way from Cantonment Burgwin to Fort Union, where he had been ordered by Col. Cooke, he met the Apaches in a Canon between the former place and Mora, that he halted his command and, with Col. Brooks, had a talk with them; he described them as being overwhelmed with fear and protesting that they desired peace, stating also that he had made advantageous dispositions for battle in case they exhibited any signs of insolence or hostility- He also commented upon the miserable quality of their arms, and their mean shrinking deportment, at the same time avering that he was sorry they did not show some signs of hostility, for that if they had he would have "wiped them out." In the same conversation he stated that the number of warriors counted at the time amounted to one hundred and seven.

When informed that these same Indians had, two weeks previously, when attacked by a command of Dragoons, evinced anything but a cowardly spirit, he reiterated his assertion, or rather boast, as to what he could do with them. On the 22nd inst I went on a scout down the Canadian and across to Anton Chico and returned to Fort Union on the 29th. Lts. Sturgis and Moore who left Ft. U. on the 21st and kept further to the east returned on the 30th. On the 31st an express arrived at Ft. U. from Cant. Burgwin, with a communication from Major Blake giving an exaggerated account of the fight at Cieneguilla. In justice to Maj. Blake however I will state that the exaggerated account of the affair was founded on data furnished by Lt. D. himself. In a few hours we were enroute

for Cant. Burgwin where we arrived on the 1st of April. Davidson met our command near his quarters and in reply to some question from Col. Cooke, which was asked with much apparent concern as to the result of the affair of the preceding day, he said in a self-confident and positive tone that he had "killed fifty or sixty Indians." This was asserted as a fact-I was present. Lt. D. left Cant. B. on the 29th inst under orders from Major Blake to follow and watch the movement of the Apaches, but to avoid if possible bringing on an action. He marched a portion of the night and on the morning of the 30th sent a guide with two men, to a ford on the Rio Grande below Cieneguilla, to ascertain if the Indians had crossed the river.

A trail was afterwards discovered leading up a hill, the advance guard was sent to reconnoiter the position of the Indians, and soon returned saying that when they arrived at the camp which was on the top of a hill, the Indians had leveled their rifles upon them. Upon being thus informed Lt. D. says he cursed the Corporal and demanded to know of him why he had not fired upon them with his revolver. The Corporal also reported that the Indians told him (in Spanish) to "come on." Lt. D. now dismounted his command in a canon, divided it into two platoons and advanced upon the Indian camp which contained their families, and now was to be fulfilled the prediction about "wiping them out." It is at least doubtful who fired first-but what matters it? - was not the advance upon the camp in a hostile attitude a bona fide attack? Nobody would doubt it practically if his position was that of the Indians and Lt. D. would have been one of the last to do so. If he had been under the command of almost any officer other than Maj Blake he would have been tried for disobedience of orders. Again let us look at the manner in which the affair was conducted.

The command advanced in two platoons as nearly in line as the nature of the ground and other circumstances would admit. This was the most unmilitary as well as the most exposed order possible-it could not be expected that a display of numbers would intimidate the Indians while a large mark was thus presented to their concentrated fire. This is no labored scientific deduction. A non-commissioned officer who would not have appreciated it upon the ground should have been reduced for incapacity. But if exception is taken to this mode of approaching a crouching and concealed foe what are we to think of the second attempt to go up a steep hill each man leading his horse. The horses alarmed by the noises and confusion of the fight would refuse to advance and the men would struggle with them unwilling to abandon them and thus instead of using their weapons would fall victims to the fire of a concealed enemy.

An attack could not be made mounted and to attempt to lead the horses would expose the men. What was then to be done? To abandon the horses of course. This ill advised and unfortunate attack finally arrived at the top of the hill, leaving behind those who were killed or wounded, and now the command is given "mount men and save yourselves." This Lt. does not or at least did not deny. This order was calculated to strike terror to the heart of the bravest soldier, for he would know that nothing but the utmost exertion could prevent his falling a prey to the merciless savage. This order was alone sufficient to ruin a command. The consequence was a disorderly flight over ground of the difficulties of which the Indians well knew how to take advantage. Every other consideration was forgotten in that of personal safety and hence the entire abandonment of arms etc. Every man exerted his energies to save his own life while he abandoned his wounded comrades to be butchered. I have conversed with Major Blake,

Maj. Thompson and Mr. Quinn all of whom visited Cieneguilla the next day and the result of their stories is that 5 men only were found dead upon the side of the hill up which Davidson advanced, and it is by no means certain that they were dead when the retreat was ordered, while 14 men were found on the hill side down which the flight took place, and two or three more in the ravine below. This cannot be denied, and it proves that a command of 57 Dragoons retreated without an attempt to preserve order, when they had lost 5 of their number. Davidson says in his official report, which I read, that there were 250 or 300 Apaches and Utah warriors in the fight that he fought for three hours and has every reason to believe he killed a large number of Indians. In the first place there were no Utahs in the fight & secondly there were not more than 130 warriors (Apaches) in it, as Carson or any person who followed them will tell you. If 50 or 60 of these had been killed the rest must have been wounded if any sort of usual proportion between killed and wounded obtained. As to fighting 3 hours that is the most ridiculously absurd assertion in the whole report. A Cartridge Box (cavalry) holds some 30 to 50 cartridges. How long would it take a man to fire this number of Cartridges assuming that he fired all of them? But in the excitement of action most men will lose a large portion of their ammunition. I think any reasonable man will agree that Davidson's fight never lasted 30 minutes, his assertions to the contrary notwithstanding. In regard to the probable number of killed I forgot to say that it is a remarkable fact that the number of lodges after the fight was the same as before and we were informed in every Mexican settlement, through which we passed in the pursuit, that the Indians said they had lost only two men in the battle. I could pass over most of these things and sincerely sympathize with Davidson in his misfortune, but when an attempt is made to transform an unskilled attack, a feeble resistence, a disorderly and disastrous flight, the combined consequences of which entailed upon others days of toil and nights of suffering and present that to the world as a glorious triumph, I do not conceive it my duty longer to be silent for I am one of those who suffered from these misguided movements. However others may regard the matter I cannot but think that remaining silent is very near akin to countenancing tacitly a gross imposture. The correspondence recently published in the Santa Fe Gazette, between Lt. D. and Mr. Davis should relieve all who are cognizant of the facts of any feeling of forbearance the former. He then attempts to make Capital out of what he knows to be an error and wishes to force upon the public what he does not himself believe. There is one other circumstance of which you are probably not aware. Last winter, Davidson preferred charges against Major Blake-they were of a very grave nature. A few days after the affair at Cieneguilla the Major made some remark to the effect that D. had done as well as could be expected, when D. instantly offered to withdraw the charges although if true Maj. B. had signed a false certificate etc. All of which D. was prepared to prove. Davidson acknowledged himself that Maj. could have ruined him "with a single word" - hence the spirit of mutual concession. If D. had entertained no fear why did he offer gratuitously to withdraw these charges? But there is another fact. When Davidson's conduct was assailed and he talked so loudly about asking for a court of inquiry why did he change his tune so suddenly when he found it very easy to get the Court and he was even recommended to do so by persons from whom he pretended to take advice. I conclusion I will again say that you are entirely free to show my letter to Davidson or any of his friends for it contains not only my opinion but my convictions also drawn from unmistakable facts.

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I have now three or four more letters to write to Fort Union. It is now late and I must get them in the post office tomorrow morning. So I will have to conclude. My love to Byrne, McCook and Magruder. Remember me to all my friends at your post and don't forget to write by every mail.

Yours very truly

(Signed) D. Bell

P.S. Buford has been ordered to his company and Oakes and Garrard detailed on duty at the Cavalry depot. B. has not arrived here yet.

D.B.

1st Lt. Robert Williams 1st Drags a witness called by Capt. Davidson being duly sworn; the original of the above letter was handed him by the Recorder.

Question by the Recorder: Do you recognize that letter to be the one addressed to you by Lt. David Bell of the 1st Cavalry?

Answer: I do.

The Court then adjourned till tomorrow morning at 10 O'clock.

[end of first day of proceedings]

March 11, 1856

2nd Day

The Court met pursuant to adjournment all the members & Recorder present.

Capt. Davidson in attendance before the Court. The proceedings of yesterday were read. The examination of Lt. Robert Williams 1st Drags. was then resumed-

Question by Capt. Davidson: Is the paper, now handed you, the original letter from Lt. Bell 1st Cavalry to you and which contains statements affecting the reputation of Capt. Davidson 1st Drags?

Answer: It is.

Question by Capt. Davidson: State to the Court, the circumstances under which this letter was written?

Answer: About the latter part of August or first of September 1854 I had several conversations with Lt. David Bell, then of the 2nd Drags., now of the 1st Cavalry, concerning Capt Davidson's fight at the Cieneguilla; in these conversations I expressed myself adversely to the fight. My opinion was based on what I had heard previously from Lt. Bell and others. Some time during the fall of the same year Capt Davidson visited Ft. Union. I had a conversation with him concerning his fight. This conversation caused me to change my opinion concerning it. Soon after this I wrote Lt. Bell a letter which, to the best of my recollection was concerning this subject. In the letter, if my memory does not deceive me, I informed Lt. Bell that I had, after conversing with Capt. Davidson on the subject, changed my mind concerning his fight, and that now I thought he had acted perfectly properly. I told him also that I informed him of my change of opinion because I considered it due to Capt Davidson as well as to myself to let him know of this change. In reply to this letter, if my memory does not deceive me, I received the letter from Lt. Bell now before the Court.

Question by Capt. Davidson: Lt Bell states in his letter "As this is a subject affecting a member of your regiment, I will give you my opinion in full, which however you will find to be that of officers at your post." Now were you present as a witness at a conversation which occurred on this subject between Asst Surg. 1. Byrne U.S.A. and myself at Ft. Union in, or about the month of August, 1855?

Answer: I was present.

Question by Capt. Davidson: Please state to the Court, what that conversation was? & the circumstances attending it?

Answer: Capt Davidson requested me to be present when he should speak to Dr. Byrne about the subject matter contained in the previous question, or words to that effect. I went with Capt Davidson to Dr. Byrne's quarters where we found Dr. Byrne, I cannot recall the exact words between Dr. Byrne and Capt Davidson. The substance of the conversation was this: Capt Davidson gave Lt Bell's letter, which is now before the Court, to Dr. Byrne and requested him to read it and state whether Lt Bell had any right to say that he (Dr. Byrne) endorsed his (Lt Bell's) opinions as expressed in the previous question. Dr. Byrne in reply stated that Lt Bell had no right whatever to say that he endorsed those of his opinions, which had reference to Capt Davidson's private character. He furthermore stated, that there were several of the things to which Lt Bell alluded, of which he (Dr. Byrne) knew nothing. I believe this was the substance of the conversation.

Question by Capt. Davidson: Did I ask him, if he, Dr. Byrne, held the same opinions as Lt Bell, as contained in the letter referred to?

Answer: I understand that the question which I have spoken of, as being asked of Dr. Byrne by Capt Davidson, was one whose import was the same as the question just put. Moreover as regards that portion of this letter which had reference to Capt Davidson's official conduct, I mean by official conduct, his method of bringing on and conducting the fight, my impression is that Dr. Byrne held the same opinions as Lt Bell.

Question by Capt. Davidson: Was his denial of concurrence in opinion with Lt Bell, in any thing personal, or official, which militated against my private or official character; full & satisfactory to you, as a brother officer?

Answer: It was.

Question by Capt. Davidson: Were you present at a conversation, which occurred between Capt Sykes 3rd Infty and Capt Davidson 1st Drags. at Ft. Union in, or about the month of August 1855, upon this same subject?

Answer: I was.

Question by Capt. Davidson: State to the Court, the conversation, which then & there occurred, and the circumstances attending it?

Answer: The conversation occurred in a room of one of the officers quarters at Fort Union. Capt Davidson requested Capt Sykes to read the letter of Lt Bell's which is now before the Court, and state whether he endorsed Lt Bell's opinions as therein expressed, or words to that effect. I believe the substance of Capt Sykes' reply after reading the letter was this; that with reference to those opinions of Lt Bell referring to Capt Davidson's method of bringing on & conducting the fight at Cieneguilla he was of the same opinion, that he did not and could not endorse those opinions of Lt Bell relating to Capt Davidson's private character. I believe that he also stated that Lt Bell had no right to say that he, Capt Sykes, endorsed the latter opinions.

Question by Capt. Davidson: Was his denial of concurrence in opinion with Lt Bell, in any thing personal or official, which militated against my private or official character, full and satisfactory to you, as a brother officer?

Answer: I believe it is.

Capt Davidson then requested that the letter and affidavit of Capt George Sykes 3rd Infty be read to the Court, and placed upon its minutes.

The letter marked "C" and the affidavit marked "D" were then read to the Court by the Recorder are hereunto appended.

Question by the Court: Who were the officers "at your post" (Fort Union) on the 27th of December, 1854-the date of Lt Bell's letter to yourself -which is now before the Court?

Answer: Col. Fauntleroy, 1st Drags, Bvt Maj Rucker a.g.m. Capt Macrae 3rd Infty, Asst Surg. John Byrne, U.S.A. Lt Magruder 1st Dragoons, Bvt Capt Sykes 3 Infty, Lt McCook 3 Infty, Capt H.Whitlesey 1st Drags. & myself, were the officers stationed at the post at that time.

Question by the Recorder: Did you ever hear any of the above officers, other than Capt Sykes and Dr. Byrne at any time express the same or similar opinions, with regard to Capt Davidson's fight at Cieneguilla, as those contained in the letter of Lt Bell now before the Court?

Answer: I cannot recollect distinctly; my impression is, that I once heard Capt Macrae express the same opinions as those which Capt Sykes expressed in the conversation between himself and Capt Davidson referred to previously by myself I can recall no other instances.

Question by Capt. Davidson: Were the opinions of Capt Macrae, thus expressed, injurious to my private or my military character?

Answer: I did not consider them so in any respect.

Bvt Major Rucker, a.g.m., a witness called by Capt Davidson, being duly sworn was examined as follows-

Question by Capt. Davidson: Lieut. D. Bell 1st Cavalry, states in the letter now handed you, "As this is a subject affecting a member of your regiment, I will give you my opinion in full, which however you will find to be that of officers at your post." Now will you read this letter, and then state to the Court, whether you agree with him in opinion or not, upon each and every statement therein contained?

Answer: I have heard the letter read. From information I have received of the fight Capt Davidson had at Cieneguilla, I do not agree with Lt Bell in his opinions expressed in that letter. I was stationed at Fort Union, with Lt Bell, subsequent to the fight for some time.

Question by the Recorder: Did you ever hear any of the officers at Fort Union, other than Lt Bell, express the same or similar opinions, with reference to Capt Davidson's fight at Cieneguilla, as those contained in the letter of Lt Bell now before the Court?

Answer: A few days after the fight I received a note from Dr John Byrne U.S.A. giving some of the circumstances of the fight, that he had gathered from persons in Taos, among them he mentioned that there had not been so many Indians killed as had at first been reported. According to my recollection of his detailed account to me, it differed but little from Capt Davidson's report. I have no recollection of hearing any other officer at that post express any such opinions. I do not recollect hearing much about the matter.

Question by Capt. Davidson: Were any opinions, that you might have heard expressed, derogatory to my character as a gentleman, or to my gallantry as a soldier?

Answer: I never heard any opinion expressed in my life, of Capt Davidson derogatory to his character as a gentleman or soldier.

Capt Davidson then requested that his Official Report of the action at Cieneguilla be read to the Court, and placed upon its record.

Capt John W. Davidson's Official Report was then read to the Court by the Recorder and is hereunto appended, marked "E." [not in Archives file]

Capt Davidson then stated to the Court that the remarks upon the back of the Report form no part of the report, but are the data upon which he, Capt Davidson, based part of his report, two days after the action.

The Court then adjourned, to meet again tomorrow at 10 O'clock.

[end of second day of proceedings]

3rd Day

March 12th.

The Court met pursuant to adjournment, all the members & Recorder present.

Capt. lW. Davidson in attendance before the Court. The proceedings of yesterday were then read.

Capt. Davidson then requested that the official report of General Ino. Garland U.S.A. with regard to the action at Cieneguillà be read, & placed upon the minutes of the Court.

The said report was then read to the Court by the Recorder, was marked ("F") and is here unto appended. [Exhibit F not in the Archives file] .

Mr. Christopher Carson, Indian Agent for the Utah and Jicarilla Indians, a witness called by Capt. Davidson, being duly sworn, was examined as follows:

Question by Capt. Davidson: Were you the Agent of the Jicarilla Apaches, at the time of the action at Cieneguilla?

Answer: I was.

Question by Capt. Davidson: What is the ("conduct" crossed out) difference of conduct ("your" crossed out} in Indians generally, towards troops, when they have the advantage in position and numbers, and when they do not have it?

Answer: There is a great difference, an Indian when he sees he has the advantage, probably then the greatest coward is the greatest Brave. They never give any quarter, or at least, I never have known any instance of it.

Question by Capt. Davidson: Would a command of fifty men, good troops, well posted, be disadvantageous to one hundred & seven Indians, and account for their shrinking deportment towards troops, supposing in this case, the troops to have the advantage?

Answer: If the troops had the advantage of position the Indians would shrink and be humble, but if the Indians had the advantage they would not. The Indians well know, for instance, that if both parties are on foot, and in broken country, they have the advantage over troops.

Question by Capt. Davidson: Would thirty Indians, with a canon to retreat to, and seventy five more Indians in the Canon, be advantageous for the Indians, when only twenty eight Dragoons were opposed to them, and account for the boldness of the Indians?

Answer: As a matter of course if the Indians were in a position of that kind they would feel perfectly safe, knowing that they had the advantage.

Question by Capt. Davidson: Now suppose fifty-seven Dragoons to attack between 150 & 200 Indians, the latter well posted, with advantage of ground, and knowledge of the country, what would be the conduct of the Indians, bold or shrinking?

Answer: If the Indians saw that they had the least advantage in the world, they would be bold.

Question by Capt. Davidson: For how long a time have you had a knowledge of Indian character and habit?

Answer: I am going on forty-seven years of age, and I have had such knowledge since my boyhood up to the present time.

Question by Capt. Davidson: Did you or did you not inform me a day or two after the action at Cieneguilla that the Indians had left back, on the east side of the Rio Grande, fifty of their best warriors to watch the roads?

Answer: Yes I did, that was what I was informed, when I arrived at "'1 Embudo" the next morning after the fight, within three miles of which the Indians had passed about dark of the evening before (30th of March). I then with ten men went to "Picuris" where I stayed all the night of the 31st. There I got about ten men more and went; on the 1 st of April by Capt. Davidson's Post (Cantonment Burgwin). About fifteen or twenty minutes before I arrived there the Indians came within about 400 yards of the post and drove off some cattle, which were afterwards recaptured by the men of Capt. Davidson's command not wounded, who were left at the post.

Question by Capt. Davidson: Then if this was the case, could all of the Indians whom I had fought, have crossed the river at the same time?

Answer: No sir, they could not. I know that they did not, from what took place with me.

Question by Capt. Davidson: Lieut. Bell 1st Cavalry, states in his letter "Every other consideration was forgotten in that of personal safety". Now you have been in several expeditions and actions with Capt. Davidson please state to the Court whether or not he is a man, to regard his personal safety in action?

Answer: From my own knowledge he is not. At first it was my impression that there was something wrong about the fight at Cieneguilla, but then I inquired particularly of every person, pretty much, in the fight. Well they all gave

the Captain the highest praise. Said he did not seem to regard his personal safety at all. I inquired of Dr. Magruder whom I supposed was not say friendly to Capt. Davidson, about the particulars of the fight. Dr. Magruder told me that during the fight he spoke to Capt. D. several times and told him not to expose himself so much, that he would be shot, that the Captain's reply was, I am only doing my duty.

Question by Capt. Davidson: Were you out with Col. Fauntleroy, in any of his recent expeditions against the Utah Indians?

Answer: Yes sir. I was.

Question by Capt. Davidson: Do you know of any arms, saddles or equipments, being captured from the Utahs, which belonged to my command at Cieneguilla?

Answer: I saw many arms in the hands of the Utahs, I have no doubt that were captured at Cieneguilla.

Question by Capt. Davidson: Do you think it a fair inference, then, that the Utahs or a small portion of them were at the Cieneguilla?

Answer: The inference is certainly a fair one, there might have been but it has always been my opinion, that there were no Utahs in the fight.

Question by Capt. Davidson: Do you know positively, that no Utahs were at the Cieneguilla?

Answer: I do not.

Question by Capt. Davidson: Please state to the Court what is a Canon, as understood in the Territory.

Answer: It is a very deep ravine with almost perpendicular sides.

Question by Capt. Davidson: Lt. Bell, 1st Cavalry states in his letter "Last winter Davidson preferred charges against Major Blake, they were of a very grave nature. A few days after the affair at Cieneguilla, the Major made some remarks to the effect that D. had done as well as could be expected. When D. instantly offered to withdraw the charges, although if true Maj. B. had signed a false certificate & c. All of which D. was prepared to prove. Davidson acknowledged himself that Major B. could have ruined him with a single word "hence the spirit of mutual concession". Now will you please state to the Court what you know on this subject?

Answer: I am confident from my own knowledge, that such cannot be the case. I think Major Blake never, from the time charges were preferred against him until Capt. Davidson withdrew them, went to Capt. Davidson's post over three times. I went with him two of those times I know that they did not appear to be friendly, I think they never

spoke except on official business. I am positive in my own mind that Major Blake did not go into Capt. Davidson's quarters, for I was with him.

Question by Capt. Davidson: Is your evidence just given understood to refer particularly to the point of "mutual concession"?

Answer: I am positive in my own mind that there was nothing of the kind. No understanding between Capt. Davidson and Major Blake.

Capt. Davidson at this stage of the proceedings inquired of the Court, if it considered that the whole of Lt. Bell's letter, so far as it related to him, Capt. Davidson, was before the Court or only certain points.

The Court was then closed and after deliberation, it was decided that the whole of the letter, so far as it related to Capt. Davidson, was before the Court for investigation.

The Court was then opened, Capt. Davidson being in attendance & the decision of the Court was announced. The examination of Mr. Carson was then resumed.

Question by the Recorder: Lt. Bell, 1st Cavalry, in his letter states, "In the first place there were no Utahs in the fight, and secondly there were not more than 130 warriors (Apaches) in it, as Carson or any person who followed ("in pursuit" crossed out) them will tell you". Now did you follow in pursuit, and what was your impression as to the number of Indians engaged at Cieneguilla, from your own observation after the fight?

Answer: Well I am not able to say as to that, I followed the trail it is true, we overtook the Apaches on the 9th day of April. I think there must have been at least eighty lodges. They generally average from two to three warriors to the lodge, never less than two.

Question by the Recorder: How many warriors do you suppose were engaged against you on the 9th of April subsequent to the fight at the Cieneguilla, and do you suppose their numbers at that fight to have been greater or less than at the fight of Cieneguilla?

Answer: I think there was 150 to 200 warriors present at the fight on the 9th I feel certain that "Chacon" was present with ten or fifteen lodges at the fight. I am not certain whether he was at the fight of Cieneguilla or not, but I am understood not. I also understood that all the warriors were not in the fight of the 9th of April, but that some of them were out hunting.

Question by the Court: In your inquires as regards ["to" crossed out] the battle of Cieneguilla, made immediately after it took place, did you learn whether any of the troops who had been left dead upon the field, had been scalped?

Answer: I heard of some who had their heads knocked in with rocks & of some who were stripped, but of none who were scalped. I think if any of them had been scalped I would have heard of it.

Question by the Court: As you have had great experience in Indian warfare, please state to the Court what is the habit of Indians as regards scalping their adversaries when they themselves have lost many of their friends in a conflict?

Answer: When the Indians have net with a loss of man for man, or greater, they do not generally scalp their enemies, because they can not then dance the scalp dance, but when they have gained a victory & lost none, or but few, they generally scalp, & have a great rejoicing and a dance. That is their general character.

Question by the Court: From the inquires you made immediately after the battle of Cieneguilla, of the persons who were in it. What is your impression from the information you received, as to the time occupied by the battle?

Answer: I suppose from the information I received from those in the fight, that, the action must have lasted some two or three hours.

Question by the Court: In conversing with men who were engaged in the battle of Cieneguilla, did you understand that Capt. Davidson, as soon as he had brought his command to the top of the hill where the Indians were posted, give the command" Mount men, and save yourselves," or did you understand that he there fought as long as it was possible for him to hold his ground?

Answer: Well sir, I have heard from men who were present in the fight that after he arrived at the top of the hill, he there held his ground until he could hold it no longer and then gave the orders to retreat.

Question by the Court: Did you understand that Capt. Davidson's troops abandoned their wounded comrades to be butchered, when they retired from the scene of the conflict at Cieneguilla? .

Answer: I never heard of but one wounded man who was abandoned and heard of him through Dr. Magruder. I never heard that Capt. Davidson ever knew of that. Dr. Magruder told me that this wounded man had fallen near him and that when Capt. Davidson gave the command to Mount & retreat, this man spoke to him (Dr. Magruder) but he never intimated that Capt. Davidson knew of it at the time, and that it was his professional opinion that the wounded man could live but a few minutes. This is the only instance I have heard of where a wounded man was abandoned. I think it impossible that anyone officer could, when fifty or sixty are engaged, on such ground, see all that is going on around him, or see all that had fallen or been wounded.

Question by the Court: Please state to the Court how many years you have known Capt.

Davidson, and if, from the opportunities you have had of judging his character, you have ever seen anything in him which would cause you to believe that on any point he would be a gentleman to attempt to make capital out of what he knows to be an error, or that he would wish to force upon the public what he does not himself believe?

Answer: I have known Capt. Davidson since '46. I have been with him in fights in this country and in California, I never saw anything of the kind in Capt. Davidson's character, I never heard his word impeached, and I never saw anything in Capt. Davidson but the gentleman.

Question by Capt. Davidson: Did you ever hear of my calling on Dr. Magruder during the action, to give me his aid, as an officer, to ("please" crossed out) place my men and assist me to command them properly?

Answer: I did hear, from persons who were in the fight, that Capt. Davidson had made such remarks to Dr. Magruder but whether that he did so more than once I am unable to say.

Mr. J.M. Francisco of "Taos" New Mex. a witness called by Capt. Davidson, being duly sworn was examined as follows.

Question by Capt. Davidson: Please state to the Court, when you went out with Maj. Blake, to bring in the dead at Cieneguilla, what you saw on the battleground, and what occurred from the time of your arrival on it, until you left it?

Answer: On the day after the battle, we reached Cieneguilia; the first that I saw on reaching the battleground was the dead bodies. We found them in the Canon through which Capt. Davidson & command had retired. The first of the dead bodies that I saw, was at the base of the mountain down which they descended. We found the dead bodies of the soldiers scattered along at intervals from the base to the top of the mountain. After reaching the top we passed from that to the place where the attack was made as I understand it, descending the mountain on the other side. Then near the camp of the Indians we first saw some dead dragoon horses, afterwards, before reaching the Indian Camp we found some more dead soldiers, one of the bodies was found within the Indian encampment. Maj. Blake then directed that it should be taken to the waggons. Maj. Thompson had been left to take up the bodies that we first saw, we met him at the waggons, with the bodies that we had gathered. We then left for Taos & arrived there the same day, I believe.

Question by Capt. Davidson: How many dead bodies, were found near the Indian encampment and how many on the slope of the hill up which you ascended?

Answer: We found five in the Indian Encampment and I think seventeen from the base of the hill to the summit.

Question by Capt. Davidson: What do you understand by a canon?

Answer: A canon is the valley of a stream passing through or between hills or mountains.

Question by Capt. Davidson: From the point where you saw the first dead body, you going up on the trail which we descended, to the Indian Encampment, including the latter, is there a canon?

Answer: Before reaching the base of the hill we passed through a deep ravine in which we found the first dead body that we saw. At the base of the mountain on the other side, towards the Indian Encampment another ravine or canon occurs.

Question by Capt. Davidson: Is this ravine between the two mountains a steep ravine with perpendicular sides, or are the sides sloping and of gentle ascent?

Answer: The sides of the 2nd ravine are not so steep as the sides of the one we first ("saw" crossed out) passed, at the point where we crossed it. .

The Court then adjourned to meet again tomorrow at 10 O'clock.

[end of third day of proceedings]

4th Day

March 14 [the date is incorrect-it was actually Thursday, March 13]

The Court met pursuant to adjournment, all the members and the Recorder present. Capt. Davidson in attendance before the Court. The proceedings of yesterday were then read.

The examination of **Mr. J.M. Francisco** was resumed as follows.

Question by Capt. Davidson: You stated to the Court in your evidence yesterday "The first that I saw on reaching the battleground was the dead bodies. We found them in the canon through which Capt. Davidson & command had retired". Now will you please state to the Court, whether you sawall the dead bodies, in the canon or part of them, and if the latter how many?

Answer: I saw only part of them I think there were only two.

Question by Capt. Davidson: Can you by drawing or diagram explain to the Court, the relative position of the important points of the battleground at Cieneguilla?

Answer: I don't [the word "remember" is crossed out] know sir. I am a poor draughtsman, but perhaps I could explain better by drawing, than I could describe them.

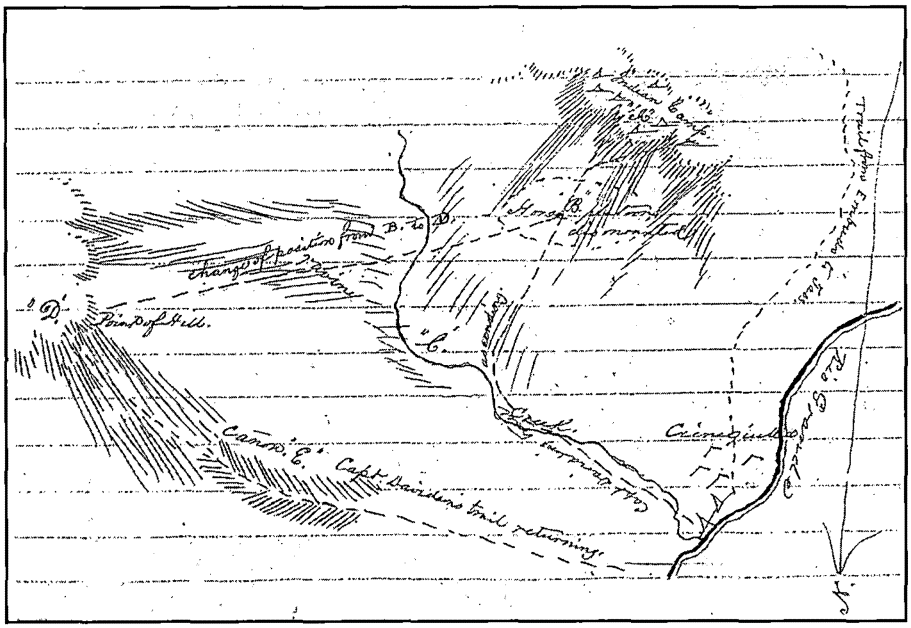
Question by Cart. Davidson: Will ["you" crossed out] the sketch now handed you exhibit the relative positions of those points.

Answer: Yes, Sir.

Question by Capt. Davidson: Now will you please mark on this rough sketch with letters, where the Command was dismounted? Where the ravine between the two mountains was? Where the point of the hill was? Where the Canon was down which the retreat took place?

Answer: I have marked the place of the Indian encampment (a). The place where the command was dismounted (B). Where the ravine between the two mountains was (C). Where the point of the hill was (D). Where the canon was, down which the retreat took place (E).

Question by Capt. Davidson: Will you please state how many dead bodies & how many dead horses you found at or near point "a"?



Answer: I found five dead bodies there, and about three dead horses.

Question by Capt. Davidson: Will you please state how many dead bodies you found at or near the point "B", and how many dead horses?

Answer: The distance between the points "A" & "B" is about 200 yards, to the best of my recollection. We found the dead bodies between "A" & "B", in number about five. The three horses were nearer the point "B" than the point "A".

Question by Capt. Davidson: Was it evident from the position of the dead, that my Command had been in the Indian Encampment?

Answer: Yes sir - it was.

Question by Capt. Davidson: Did you find any dead bodies in the ravine "C"

Answer: No sir I think not.

Question by Capt. Davidson: How many dead bodies did you find at, or near, the point "D" & how many dead horses?

Answer: I think we found near that point fifteen out of the seventeen dead bodies, but they were not lying together. I do not recollect of finding any dead horses there.

Question by Capt. Davidson: Did the position of the dead at or near "D" show that they had been deployed or scattered as proper in Indian warfare, or that the men were huddled together in confusion?

Answer: I should judge that they were scattered out, from the positions in which we found the dead bodies, and not huddled together in confusion.

Question by Capt. Davidson: Did the position of the dead at or near "B" show the same thing?

Answer: They were scattered.

Question by Capt. Davidson: What is the distance between "B" & "D"?

Answer: I think it was between a quarter and a half a mile.

Question by Capt. Davidson: Did you find in all the distance between "B" & "D" any dead horses?

Answer: No sir, I think not.

Question by Capt. Davidson: How many dead bodies did you find in the Canon "E"?

Answer: I found no dead bodies there.

Question by Capt. Davidson: Now from what you saw, was my Command dismounted by me in a Canon, or not?

Answer: No sir, it was not, in my opinion.

Question by Capt. Davidson: Is the letter now. handed you, an original letter from yourself, and do you authorize it to be handed to the Court as part of your evidence.

Answer: It is an original letter from me to Capt. Davidson. And I authorize it to be handed to the Court as a part of my evidence.

The letter of the witness Mr. J. M. Francisco, was then read to the Court by the Recorder and is hereunto appended marked "G". [included in Archives file]

Question by Capt. Davidson: Did you meet or see my wounded men returning to their post, in wagons, if so please state to the Court what they said & did, within your knowledge?

Answer: I met the wounded men in a wagon. I met at the same place a soldier of Capt. Davidson's Command on horseback who was also wounded. He had with him a bottle of brandy; he said that the brandy had been sent for by

Capt. Davidson, to be given to the wounded; he asked me to give it to them, perhaps being afraid that if he gave it to them, they might take too much. When I gave the brandy to them their first inquiry of me, was, I think, about ["the Capt" crossed out] Lt. Davidson, asking how he was. They seemed to be entirely forgetful of themselves, but spoke favorably of Lt. Davidson's conduct on the field of battle.

Question by Capt. Davidson: Altho' wounded, did they show in their manner & language, attachment to & confidence in me, throughout the conversation you had with them?

Answer: They did to the utmost.

Question by the Recorder: Did you chance to count the lodges of the Indians on the field of Cienuguilla & if so, how many were there, and how many warriors do you suppose to have been in the fight at that place And do you know whether there were any "Utahs" in the fight or not?

Answer: I counted sixty lodges, some persons at that time estimated from three to four warriors to each lodge. I do not know whether there were any Utahs in the fight or not, I have heard it said since, that there were.

Question by Capt. Davidson: Were there any fires on the ground, or in the Camp, without lodges around them & if so how many?

Answer: Yes sir, probably one fourth of the fires showed no signs of lodges around them, some persons at that time counted as high as ninety lodges. I counted only lodges, those standing, or the evidences of them on the ground. I suppose the others calculated the fires as well as the lodges.

Mr. Christopher Carson was then recalled by Capt. Davidson and examined as follows.

Question by Capt. Davidson: Is the signature to the letter now handed you, your own, & do you authorize it to be handed to the Court as a part of your evidence?

Answer: The signature is my own & I do authorize that the letter be handed to the Court as part of my evidence.

The letter of Mr. Carson to Capt. Davidson was then read to the Court by the Recorder and is here unto appended marked ("H"). [included in the Archives file]

Question by Capt. Davidson: Did Mr. Quinn, who is referred to in Lt. Bell's letter, agree with you in opinion, as to the fight, and with regard to their being no "mutual concession" between Maj. Blake and myself?

Answer: He did sir. We were together when he read Capt. Davidson's letter, and after talking it over, we both agreed to what is in my letter.

Question by Capt. Davidson: Did you ever hear from persons who were in the fight at Cieneguilla, the circumstances attending my withdrawal from the ground, and if so, please state, what you heard direct from Sergt. Batty and Dr. Magruder?

Answer: Sergt. Batty told me that he told Capt. Davidson during the action that if he stayed there five minutes longer the command would be cut to pieces, these were his words as well as I can recollect, at all events he, Sergt. Batty told me that it was his opinion that if the command had stayed five minutes longer on the field, they would never have got away. Dr. Magruder told me that Capt. Davidson said to him, that he would go down to the cluster of houses called the Cieneguilla and no further, & there fight it out. That he Dr. Magruder advised Capt. Davidson to continue on in retreat, and gave as a reason, that the wounded men would get stiff, and that the wagons could not get to them, or would find difficulty in doing so, and that he finally persuaded Capt. Davidson to continue on in retreat.

Capt. Davidson then presented an officially authenticated copy of a letter from Dr. Magruder to himself which he requested might be read to the Court and placed upon its minutes. The said copy of Dr. Magruder's letter was then read to the Court by the Recorder and is here unto appended marked ("1"). [not in Archives file]

Brig. Genl. John Garland U.S.A. a witness called by Capt Davidson, being duly sworn, was examined as follows.

Question by Capt. Davidson: Was Lt Col Cooke 2nd Drags. ever authorized by you to assume the direction of affairs during the Jicarilla campaign, and if so, please state to the Court, what time he commenced the control of affairs, and when the control ended?

Answer: I cannot answer the question better than by presenting to the Court the two authenticated copies of my orders one to Col. Cooke, the other to Major Blake, and further to state that the authority of Col. Cooke as District Commander ended with the campaign against the Jicarilla Apaches, the date of which I do not recollect. It may be proper to remark, that subsequent to the date of the order marked ''J' that fearing the authority of Col. Cooke might be doubted, I placed at his disposal in orders all troops and resources north of Santa Fe, including that post.

The documents referred to were then read to the Court, by the Recorder, were marked "J" & "K," and hereunto appended. [these exhibits are not in the Archives file]

Question by Capt. Davidson: Did you ever hear of any tangible assertions against me, which rendered it necessary, in your opinion as my commanding General, for me to demand a Court of Inquiry?

Answer: I never did. There were some rumors, half confidential, injurious to the reputation of Capt Davidson whispered about subsequent to his fight with the Indians at Cieneguilla. Capt Davidson hearing of them consulted with me as to the propriety of asking for a Court of Inquiry, which I advised him not to do, as I could not trace those rumors to any responsible person.

Capt Davidson then requests that the letter from the Rd. Quarters of the Department of New Mexico to Capt Geo. Sykes 3rd Infty, be read to the Court-and placed upon its minutes.

The said letter was then read to the Court by the Recorder, was marked "L," and is hereunto appended. [Exhibit L not in Archives file]

The Court then adjourned to meet again tomorrow at 10 O'clock.

[end of fourth day of proceedings]

5th Day

March 14th

The Court met pursuant to adjournment all the members and Recorder present. Capt Davidson in attendance before the Court.

The proceedings of yesterday were then read.

Capt Davidson presented the following letter to the Court which was read by the Recorder.

Court Room, Santa Fe, N.M.

March 14th, 1856

Lt H.B. Clitz

J.A. Court of Inquiry,

Sir

I respectfully request that Lieut. J. T. Macrae 1st Drags. be summoned as witness, before the Court of Inquiry sitting in my case. Information just received, gives me good reason to believe, that he can be able to throw some light upon the Inquiry now pending.

I am Sir.

Your Obt Servant

(Signed) Jno. W. Davidson

Capt 1 st Drags

The Court then directed the Recorder to summon the witness asked for by Capt Davidson in the above letter, which was accordingly done.

Capt L. C. Easton a.g.m. U.S. Army a witness called by Capt Davidson being duly sworn, was examined as follows.

Question by Capt. Davidson: Is the paper now handed you, an original letter from yourself to me, and do you authorize it to be handed to the Court as part of your evidence upon the point therein contained?

Answer: Yes, sir.

The letter from Capt. L. C. Easton to Capt Davidson was then read to the Court by the Recorder, was marked "M," and is hereunto appended. [This exhibit was not in the Archives file]

Major G.B. Blake 1st Drags. a witness called by Capt Davidson being duly sworn, was examined as follows.

Question by Capt. Davidson: Are you acquainted with the signature of Dr. Magruder, and is the signature to the letter now handed you, his own?

Answer: Yes, I am acquainted with, and I believe that to be, his signature.

The letter referred to in the above question and answer was the original of the authenticated copy read to the Court yesterday and marked "L."

Question by Capt. Davidson: Is the letter now handed you, an original one from yourself, and do you authorize it to be handed to the Court as your evidence upon the points contained therein?

Answer: Yes, Sir.

The letter of Maj. Blake to Capt Davidson was then read to the Court by the Recorder, was marked "N," and is hereunto appended. [not in Archives file]

Question by Capt. Davidson: Please state to the Court, at what time, and where, you made the report of my fight at Cieneguilla to Genl. Garland, and from whom did you receive the data upon which you based such report?

Answer: It was at Col. St Vrain's Mill, on or about, I think, the 30th of March, 1854, about 3 Q'clock in the afternoon. I there overtook Dr. Magruder and Lt Davidson as they were returning from the fight, and went with them to the mill. I received the data on which I based my report from Lt Davidson corroborated by Dr. Magruder.

Question by Capt. Davidson: Please state to the Court, whether the opinions expressed by you to Mr. Francisco was approbatory of my course at the action of Cieneguilla, or not?

Answer: As far as my knowledge went, it was, and my knowledge was based on the report of Lt Davidson and Dr. Magruder.

Question by Capt. Davidson: Please state to the Court, what impulse and feeling, I told you, prompted me to withdraw the charges I had preferred against you?

Answer: I can hardly recollect but I think Lt Davidson told me he was going to withdraw the Charges against me, as I had been more considerate towards him than any of his former commanding officers, and that I might have done him injury among persons not acquainted with military matters. This was three or four days after I had made my report. Previous to that conversation the matter of the charges had never been referred to between Capt Davidson and myself.

Question by Capt. Davidson: Did you infer me to mean, that you could have injured me among persons, unacquainted with military affairs, by telling the facts of the case?

Answer: No Sir.

Question by Capt. Davidson: Did you believe it to be an honorable feeling-or not? -which prompted me to withdraw those charges.

Answer: I did sir.

Question by Capt. Davidson: Please state to the Court the substance of the communication between Dr. Magruder and myself, which occurred at your room at Taos?

Answer: On the scout of Col. Cooke shortly after the affair of Cieneguilla I heard from Dr. Byrne, that Dr. Magruder had stated that the fight might have been avoided. On my return from the scout, I mentioned the thing to Lt Davidson; both of us expressed surprise at the statement.

On that, or the day following I do not recollect which, Lt Davidson called at my quarters and sent for Dr. Magruder, and when he arrived, stated to him these reports that had got about. Dr. Magruder denied making them, and stated that the affair was creditable to all concerned. I think the above was the substance of the conversation.

Question by Capt. Davidson: Did you recognize the authority of Col. Cooke to control affairs, north of Santa Fe, during the Jicarilla campaign, prior to my fight at Cieneguilla?

Answer: I did sir, by orders

Question by Capt. Davidson: Is the letter now handed you, an authentic copy of instructions, sent you by Col. Cooke, and were you acting under this general tenor, when you gave me orders, with regard to the Jicarilla Apaches?

Answer: Yes sir.

The said instructions were then read to the Court by the Recorder, were marked "0" and are hereunto appended. [Exhibit "0" is not in the Archives file]

Question by Capt. Davidson: Do you believe the Apaches here referred to, to be the same, or part of the same, whom Lt Bell had already fought on Red River, thereby opening the war?

Answer: From all I could learn they were.

Question by Capt. Davidson: Please state to the Court, the occurrences of the Campaign so far as you and myself are concerned, from the date of this order, to the time of your arrival at Cantonment Burgwin, or, the evening of the 29th of March 1854, those that are within your knowledge?

Answer: On the receipt of that order I sent Lt Davidson's Company to Moro as directed, I have forgotten how long it was absent, whether a day, two, or three days or more or less. The Indians had left and Lt Davidson returned to Cant. Burgwin for the purpose, if I recollect right, of taking another road to head them off. There were several of the Indians, one of them their principal chief, the other I think a sub-chief, came into the valley of Taos for the purpose, they stated, of going to see the Agent. Lt Davidson considered their movements suspicious and sent a party after, and took them. Mr Carson the Indian Agent & myself, with Lt Davidson, thought that the chiefs had better go over with me to Col. Cooke, for I was then under orders for Fort Union; the two chiefs, a third Indian & myself started the following morning. After remaining there a day or two, the Indians having a conversation with Col. Cooke, I started with the Indians on my return to Cant. Burgwin. At Moro that evening they ran away from me, & I saw nothing more of them. I arrived at Cant. Burgwin on the 29th of March about three O'clock in the afternoon. I went up to the Blacksmith shop to get a shoe put on my horse. A Corporal who had been out watching the movements of the Indians according to orders, reported to Lt Davidson, in my presence, that the Indians had moved their camp and were going towards the Rio Grande, and he had returned to report it. I directed Lt Davidson according to my instructions from Col. Cooke, to take out his Company to proceed on their trail and watch and control their movements. I went up to Taos & upon the application of Lt Davidson, sent out 20 men of Comp "F" to reinforce him, his comp being small. Shortly after this detachment left Dr Magruder started to overtake the command. The following morning the fight occurred.

The Court then adjourned to meet again tomorrow at 10 O'clock.

[end of fifth day of proceedings]

6th Day

March 15

The Court met pursuant to adjournment, all the members and Recorder present. Capt. Davidson in attendance before the Court.

The examination of Maj. Blake was then resumed as follows.

Question by Capt. Davidson: Did I, or not, send an express in to you, after you left Cantonment Burgwin, asking for the services of the surgeon, or, Magruder?

Answer: You did.

Question by Capt. Davidson: Now did my application for reinforcement, and for the service of a surgeon, show me in your opinion, (as my commanding officer) a rash and inconsiderate officer, ("and" crossed out) or one who took all proper precaution to have his command fit for action?

Answer: I am satisfied that Capt. Davidson wished to prepare for all emergencies.

Question by Capt. Davidson: Lt. Bell states in his letter, "If he (Davidson) had been under the command of almost any (" other" crossed out) officer other than Maj. Blake, he would have been tried for disobedience of orders", Now did you consider That I had disobeyed your orders, in fighting this action; or not?

Answer: I did not, from the report I received, and I never heard anyone else express such an opinion.

Question by Capt. Davidson: Please state to the Court, the occurrences connected with the action, from the time of your leaving the mill to bring in my dead, to the time of your leaving the field of action at Cieneguilla?

Answer: Whilst at the mill I told Lt. Davidson and Dr Magruder, that I was going to send out a detachment of about 20 men, all I had, under Maj. Thompson to bring in the dead. Both of the officers, told me it would be certain death to send a small party, that the Indians were very strong, and, no doubt, on the ground. I then told them I would go to Taos, and see if I could get together some Americans living there, and some Mexicans, and would go myself to the battleground, I did go to Taos and got together a party, which with the soldiers, made up our numbers to 50 or 60, perhaps more, and I started that evening for the ground. On the road, I saw off to the right, on the other side of the Rio Grande some fires, which I took to be those of Pastors, but subsequently learned that they were the fires of the Indian Encampment. At, or near the head of the ravine down which Lt. Davidson retired after the fight, I

found two dead soldiers, and on the hill side about half ways up, I think, or perhaps more, I found the bodies of 15 more, I think that was the number, scattered about on the mountain side, some of them lying about a hundred yards apart. I continued on the trail, from the top of the mountain about three quarters of a mile, to the place of the Indian Encampment. I think it was about three quarters of a mile, it may have been less, as we passed over fallen timber and rough ground. At the edge of the Indian Camp, I picked up four more bodies, and one was picked up inside the Camp. I returned with them to Taos, where I arrived late that night.

Question by Capt. Davidson: Did the position of some of my dead, at the Indian Camp, show that my command had been in the Camp?

Answer: Yes sir, one body was in the Camp, some distance, and the others were not more than 20 yards outside. A Sergt. was lying inside of some of their fires.

Question by Capt. Davidson: Did you infer from the position of my dead that they had been fought by me scattered or deployed, as proper in Indian combat, or that they had died huddled together in confusion?

Answer: I should judge from the position of the bodies, that they were deployed.

Question by Capt. Davidson: Does the sketch, on the record of the Court, now shown you, indicate with sufficient accuracy, the relative position of the important points of the battleground?

Answer: I think it does.

Question by Capt. Davidson: Did you find in all the distance between "b" and "d" a single dead body?

Answer: No sir.

Question by Capt. Davidson: Now from what you saw on the ground, was my command dismounted by me, in a canon?

Answer: There is no canon on the battleground.

Question by Capt. Davidson: Lt. Bell states in his letter, "It is at least doubtful who fired first, but what matters it? Was not the advance upon the Camp in a hostile attitude a bona fide attack?" Now would you not consider, being fired on by Indians, as being attacked?

Answer: Most certainly.

Question by Capt. Davidson: Have you served in Indian Campaigns and actions?

Answer: I have sir, and in as many as most officers of my date in the service.

Question by Capt. Davidson: Would you consider attacking Indians, with two platoons, (when the ground forced you to dismount) deployed at proper intervals as skirmishers, the "most unmilitary, as well as the most exposed order possible, or is there any better method?

Answer: I should not so consider it. I know of no better method. The command could not have acted in any other way on that ground.

Question by Capt. Davidson: With regard to the order to "control" the movements of the Indians, did you understand it to refer to "prevent them from crossing the Rio Grande, until their Agent, Carson, gave them authority?

Answer: Until my return from Fort Union to Cant. Burgwin, I was governed by instructions from Col. Cooke. After that time & on the evening Lt. Davidson went out, I told him that Col.

Cooke had no objections to the Indians going as far as "Abiquiu" & to say so to them if he net them. Col. Cooke had told the chiefs, who ran away from me at Moro, the same thing.

Question by Capt. Davidson: What then, did you understand by the order you gave me, "to control the Indians"?

Answer: I used Col. Cooke's words. Meaning, I suppose, to keep the Indians from committing depredations & to keep them within limits.

Question by the Recorder: From what you saw on the battle field of Cienegiulla, how many Indians do you suppose to have been in that action?

Answer: I do not know how many. I did not count the fires. The camp was extensive & the trail a heavy one.

Question by the Court: From what you saw of, and on the battleground, did it give you an Idea of an unskillful attack, a feeble resistance & of a disorderly ("retreat" crossed out) and disastrous flight. If so please explain?

Answer: It did not to me.

Sergt. James A. Bronson, Comp "B", 1st Drags, a witness called by Capt. Davidson; being duly sworn, was examined as follows.

Question by Capt. Davidson: Were you present at the action of Cieneguilla on the 30th of March 1854, and in what capacity, to what company and what Regiment did you belong?

Answer: I was present at that action, in the capacity of a private soldier, I belonged to Comp "I" 1st Dragoons.

Question by Capt. Davidson: Were you wounded in that action?

Answer: I was.

Question by Capt. Davidson: Give to the Court a concise narrative of the affair, from the time the command left Cant. Burgwin, up to the close of the action.

Answer: We left Cant. Burgwin on the afternoon of the 29th of March 1854, between 3 & 4 o'clock in the afternoon. We arrived sometime in the night at the Cieneguilla. We remained there until the peak of day the morning after, when the command saddled up, left & continued on the' I Embudo trail. We followed the trail but a short distance & then left it to our right. After leaving the trail not over three miles & I do not know whether it was quite that, we found the trail of Indians, large, & fresh. We followed their trail & the first notice I had of them, was a yell from the Indians in front of us. Our 1st Sergt. then said look out men, there is the war whoop and we have got to fight. We rode but a few paces further, when the command was dismounted & ordered to tie their horses to the trees, and form in two platoons, on foot, in front of where we dismounted. Sergt. Holbrook was ordered to take command of the 1st platoon, Sergt. Kent the 2nd. We then advanced on the Indians as skirmishers. After advancing some hundred or hundred and fifty yards, I heard shots fired from the Indian Camp. The command then increased their gait and charged on the Indian Camp, and drove the Indians from it. We had been in the Indian Camp but a few minutes when Dr. Magruder who remained with the horses, and some few men, called for assistance. I think the recall or retreat was blown, I do not know which, and we retreated to where the horses were tied. We found that one or two men had been wounded there, that the Indians had charged on them, and that they had driven the Indians back. We were then ordered to take positions outside the horses, the 1st platoon on the right, the 2nd on the left, as we advanced, and to cover ourselves as much as possible from the fire of the Indians. After remaining in that position for at least two hours, I saw Lt. Davidson and Sergt. Holbrook consulting. After their consultation was finished, Lt. Davidson gave the command to the troops, to untie their horses, and move off in an orderly manner to another position which was pointed out some 150 or 200 yards distant. The horses were untied & the men moved off as orderly as could be expected under the circumstances. In moving off Lt. Davidson was taking the lead, when the cry was, they are attacking us in the rear. I saw Capt. Davidson run back from front to rear and the Indians were driven back by himself and a few men with him. During this time the command had halted. Capt. Davidson then led them- again towards the point some 150 or 200 yards distant. When we gained that position we were as before surrounded & exposed to the fire from all directions. After halting for a moment Capt. Davidson moved on, the command following. We took a different direction from the trail we went up, it led up a canon & we took across a mountain. While we were ascending the mountain the Indians (" attacked us again" crossed out) commenced leaving both sides of our former position & appeared to be trying to head us off. The moment we reached the summit of the mountain, they attacked us, there, there was an engagement of ten minutes. The command after this engagement changed its direction to the left ("right" crossed out), we were then moving on the ridge of a mountain. We had moved but 20 or 30 rods from when we had our first engagement, on top of the mountain, when the Indians attacked us in rear. The wounded men were then placed with the horses & the others defended the flanks & rear.

We moved slowly on in that manner for nearly half ("hour" crossed out) a mile, being attacked several times by the Indians, in going that distance but they were repelled each time by the soldiers. At the end of that distance we came to where the mountain led to a deep ravine or canon, when & where the Indians appeared to make their great charge, & closed in up on us. This charge was also repelled. Capt. Davidson was also wounded at this time, and also several men who were standing close beside me. Capt. Davidson then spoke so as to be heard by all around & said, "don't get excited, men. Keep Cool. I have often been in worse places than this.

The court then adjourned to meet again on Monday morning at 10 O'clock.

[end of sixth day of proceedings]

7th Day

March 17

The court met pursuant to adjournment, all the members, and Recorder present. Capt. Davidson in attendance before the court.

The proceedings of Saturday were then read. Sergt. Bronson, continued his narrative as follows.

The shower of arrows at this point had been so great, that the ground had become completely strewn with them. The fighting men at this time, were but few in number, as the majority of them had been wounded, before reaching this point, and I heard those defending the rear & flanks complaining that they were completely wearred (sp) out. Capt. Davidson then called for his horse, which the bugler was leading. It was brought to him and he ordered the command to mount and move on. Then commenced, what I considered, a retreat from the Indians, and an eye witness, must have acknowledged that we were beaten by over numbers & hard fighting.

Those having horses, mounted with the exception of one or two. The troops, both mounted and on foot, moved on down into the ravine at a rapid gait, the footmen being able to keep up with the horsemen on account of the unevenness of the ground. As we reached the foot of the hill, which was some forty yards in height, I turned in the saddle and saw on the brow of the hill which we had left, a large body of Indians, there must have been sixty or seventy, and also others on the two flanks, who were making the best use of their arms that they could against us.

After following the ravine some hundred yards, or near that distance, I saw two Indians, by themselves, to the right of the ravine, one of them fired his piece and struck the croup of the horse in front of me, this was the last of the Indians that I saw. The troops moved on, nearly in a body for half a mile, then they commenced scattering. We came to a spring about two miles, or more, from the place of the last action with the Indians. Here some horses were caught that had lost their riders, and all the footmen that could be, were mounted, two on each horse. The remark was made by some one, Capt. Davidson I think, that we wanted to hurry on to a ravine in front of us, as it was thought the Indians might attack us again there. We moved on as rapidly as practicable until we had passed the ravine, when a halt was made and Capt. Davidson inquired if all the men were up who were not killed. The party who passed the ravine was supposed to be all who were living. We again moved on slowly, halting often on account of some who were badly wounded. One or two men became so weak from their wounds, that they could ride no longer & were left on the prairie. Some men who were not wounded, staying with them. Capt. Davidson then sent an express to Cantonment Burgwin to have the wagons at the post sent immediately to the Ranch & also his own carriage to carry the wounded into the post, and to have the necessary preparations made in the Hospital to receive the wounded. Just as the sun was setting, the party I was with arrived at the Ranch. I was taken off my horse & placed on a bed in the house of Geo. Gould. In a few minutes a wagon came and I was placed in it and taken to the Hospital at the Post.

Question by Capt. Davidson: Was my command dismounted by me in a canon, or not?

Answer: It was not.

Question by Capt. Davidson: What was the behavior of the horses during the action?

Answer: At the place where the horses were tied, some of them were wounded, became fractious, and caused some of the other to be so. When we led them off some were factious & others naturally hard to lead.

Question by Capt. Davidson: Did I give one order, on that ground, which struck terror to the heart of any Soldier in the command, or that was ruinous to the command?

Answer: None that I heard Sir.

Question by Capt. Davidson: Lt. D. Bell stated in his letter before the Court "Every consideration was forgotten in that of personal safety", is this true or not?

Answer: It is not true Sir.

Question by Capt. Davidson: Did we abandon our wounded comrades to be butchered? or not?

Answer: No Sir we did not.

Question by Capt. Davidson: How many Indians do you believe opposed us in the fight?

Answer: My opinion is, that there were 300 or more.

Question by Capt. Davidson: How many Indians, do you believe were killed, and how many wounded, by the command, in this fight?

Answer: more.

It is my opinion, from what I saw, that their killed & wounded must have been fifty, or

Question by Capt. Davidson: How many did you see killed, and how many did you see wounded?

Answer: I saw 17 or 18 fall & remain on the ground, about the number wounded, of those who fell and were carried off, I do not recollect. There was a good number.

Question by Capt. Davidson: Lt. D. Bell in his letter before the Court, characterizes the action at Cieneguilla as "an unskillful attack, a feeble resistance, a disorderly and disastrous flight", Now is this True in anyone particular?

Answer: No Sir. It is not true in any particular.

Question by Capt. Davidson: Lt. Bell states in his letter, "As to fighting three hours, that is the most ridiculously absurd assertion in the whole report". Now how long did the action last, from its beginning to the end of it?

Answer: From about 8 O'clock in the ("afternoon" crossed out) morning, as near as I can judge, until between 2 & 3 O'clock in the afternoon.

Question by Capt. Davidson: Is the Official Report, now shown you, written by Capt. Davidson, a correct and true account of the action, to your own knowledge and belief?

Answer: I believe the Report to be a true one, except, the time mentioned as to the duration of the action. I think the action lasted more than three hours.

Question by Capt. Davidson: Were the Indians fighting us, during the two hours you say the command remained at the horse platoons?

Answer: They were, there was constant firing from both sides.

Question by Capt. Davidson: What was the conduct of the command as a whole, upon the field of Cieneguilla?

Answer: Their actions were those of determined men as a general thing.

Question by Capt. Davidson: How many cartridges did the command enter the action with, and how many did they have at the close of it?

Answer: I believe forty rounds of musketoon, and 20 of pistol cartridges were issued, if I recollect right. Some came out without any at all, others with five & ten rounds.

Question by Capt. Davidson: Did my dispositions of the command upon the battleground, my arrangements for my wounded, & in fact every act of mine, from the commencement, to the close of the action, show me to be an officer who took all proper care to fight his troops properly, or to be rank & inconsiderate?

Answer: Every movement that he made showed to me good generalship and an officer careful of his men.

Question by Capt. Davidson: To your knowledge, did any of the men who were not wounded, throwaway their arms?

Answer: To my knowledge, no Sir.

Question by Capt. Davidson: At the action of Cieneguilla, you say you were a Private of "I" Company 1st Dragoons, now state to the court, how you came to be in my Comp. ("B" 1st Dragoons)?

Answer: I was discharged from I Comp, 1st Dragoons on the 22nd of November 1854, by expiration of term of service, on the 16th of December, same year, I reinlisted in "G" Comp 1st Drags. Some time in the following spring I met Capt. Davidson at Fort Fillmore and applied to him to be transferred to his Comp., Comp "B" 1st Drags. He made arrangements with Capt. Ewell & I was transferred to date from the 1st of August 1855.

Question by the Recorder: After the command came in pre sense of the Indians was it possible for Capt. Davidson to have avoided the action?

Answer: Not without disgrace.

Question by the Recorder: Did you hear Lt. Davidson, or any body else, during the action, give the command "Mount men and save yourselves" or any command of similar import?

Answer: No Sir I did not. I heard him give the command" Mount men", this was when we finally mounted to commence the retreat.

The testimony was then read over to the witness who stated, after hearing it read, that he had omitted some things in the course of his narrative. He then continued as follows.

Just after the first charge of the troops, Sergt. Kent was killed, Capt. Davidson when about to move with his command to another position, ordered the dead body to be packed on a mule, as he did not wish to leave it to the Indians, and remarked to that effect. The mule became fractious at the firing, broke away and ran off with the dead body. Another instance. In ascending a mountain a man of Comp "F" named Brairwood was wounded & said to Capt. Davidson, "Lt. Will you leave me", his reply was, no I will not, and Capt. Davidson ordered a halt. Dr. Magruder was in front & still moved on, and Capt. Davidson a second time ordered a halt. Dr. Magruder still moved on until Capt. Davidson said a third time Dr. Magruder will you halt. He then halted and a moment after the man fell over, and to all appearances was dead. The command then moved on again.

Private James Strowbridge of Comp. "I" 1st Dragoons, a witness called by Capt. Davidson, being duly sworn, was examined as follows. .

Question by Capt. Davidson: Were you present at the action of Cieneguilla, and if so, in what capacity?

Answer: I was present and as a lance corporal.

Question by Capt. Davidson: Give to the Court, a concise narrative of the affair at Cieneguilla, from the time the command left Cantonment Burgwin, up to the close of the action.

Answer: We started form Cantonment Burgwin on the 29th of March 1854, about 4 O'clock in the afternoon. We marched to the Ranch, and there waited for about half an hour for a detachment of Comp. "F" 1st Dragoons. We moved form there to the Cieneguilla on the Rio Grande and encamped there for the night. In the morning before we started, Capt. Davidson sent a guide, a corporal, and I think one man to a town on the river called, I think, '1 Embudo, to see if the Indians had crossed the river. We saddled up and marched on a trail into the mountains, I think it was about 8 O'clock. The first indications I had of Indians, I heard them yelling. Some of the old soldiers said it was the war whoop & I had better cap my piece. We marched up the side of the hill to the right of the ravine. We had been moving up I think about four or five hundred yards, when we dismounted, hitched our horses to the trees and here formed in two platoons. The Indians were about a hundred or a hundred and twenty yards above us on the hill in plain sight.

I saw a man step out from among the Indians & heard some one say in English come on if you want to fight. We got the order to forward, I was in the 2nd platoon and we charged left oblique to gain a position on the left of the first platoon, and there moved forward as skirmishers. We had moved but about 15 or 20 paces when the firing commenced, I can not say from which side first, from us or from the Indians. We charged the hill and took it, driving the Indians from it. We had been up there four or five minutes, when the Indians commenced firing at the horses. We then got the order to go back, and drive the Indians from the horses. We charged back to the horses and drove the Indians back. I saw one of the no. 4's wounded. The Indians in a moment, or two, made a charge on us from three sides at once. We repulsed them again & were then ordered to screen ourselves behind any trees or breastwork that we could get. We surrounded the horses in a sort of circle, and while in that position the Indians made two more charges on us from three sides at once. We drove them back each time. There was some times 20 minutes, some times half an hour, elapsed between these charges. Afterwards they would charge together from, some times one side, & some times another. The men from one side, would go to the other where the Indians were charging to assist in repelling them. We repulsed them every time. We fought at that place from an hour and a half, to two hours, we lost some men there and killed some Indians. I saw two Indians fall myself. We saw from where we were a mountain about a half mile off, which looked clear, that is as if there was but little underbrush there. The Capt. said we would go over there to get a better position. We unhitched our horses, those who had any, for some had been killed, and leading them started for that point. The wounded men we put on horses to take them with us, they were held on by other men. On the way over, before we got to the ravine I lost my horse, he was shot in the head. 1st Sergt. Holbrook was with meat the time & I asked him if I should take off the saddle kit, put it on another horse & take it along or if I should leave it. He said wait till we whip the Indians, and then it will be time enough to take the kit off the dead horse. I kept near Capt. Davidson then until we got down to the ("ravine" crossed out) other hill across the ravine. We were fighting all the way over. I do not think we lost any men going over. We got about halfway up the hill, when Capt. Davidson gave the order to halt. Dr. Magruder was in advance of the men going up the hill. Capt. Davidson gave the command a second time, to halt in front, the third time, he said Dr. Magruder for God's sake halt. He then halted & the men halted. Capt. Davidson then asked the Doctor to help him to take charge of the men. Dr. Magruder said he would. We rested there a minute or two and saw the Indians crossing the ravine to get on top of

the mountain to head us off We moved up on the hill further as it looked still better as a fighting position, I suppose that is the reason we moved there. We got on top of the hill and faced the Indians & remained in that position some fifteen minutes. The Indians kept surrounding us & were in our front & on both sides. We moved from there further along the mountains, fighting the Indians as we went. When they would close up on us, we would charge them again and drive them back. We fought them in this way from a quarter, to a half a mile, along the mountain, trying to get a position that we could hold. I saw four Indians fall the second time we faced about. I saw another Indian leading off one of our horses, I fired at him with my revolver, missed him and killed the horse. Private Oliver of "F" Comp shot the Indian through the fleshy part of the hips. I was near enough to see the blood as he ran off. We moved forward on the hill looking for a position still, when we ordered to face the Indians again. I was in rear. When the command faced about it put me in front. The Indians a great many of them, were within 15 or 20 paces of us dodging around through the trees to get shelter. As soon as we faced about, we commenced firing. I told the men not to shoot me, for I could hear their bullets whistling as thick as hail past my head, they said they would not. The men appeared, all to be perfectly cool and collected, and to know what they were shooting at. I saw two Indians fall across the body of one of the soldiers. I saw Private Winter of Comp "F" shoot another with his revolver & he fell, I supposed dead. I got two or three good shots myself.

The Court then adjourned to meet again tomorrow morning at 10 O clock.

[end of seventh day of proceedings]

8th Day

March 18

The court met pursuant to adjournment all the members and Recorder present. Capt. Davidson in attendance before the court.

The proceedings of yesterday were read.

Private James Strowbridge continued his narrative as follows.

I can not recollect the number of times we faced about to meet and repel the Indians, but the last time we faced about was just before we went down on the other side of the hill. We kept our position there for near twenty minutes, I think, fighting the Indians, intending to hold the position. I was sitting behind a tree trying to get a shot at an Indian, a shot struck the ground by my side, and another passed between Private Newhand's legs as he was squatting down, he said it wasn't best for us to stay there as we were not sheltered. The Indians at this time commenced firing arrows very fast, you could see fifteen or twenty falling on the ground at once. As we raised up to change our position I heard some body say that the Lieutenant was wounded. I turned around and saw an arrow sticking in his shoulder, he said never mind it is nothing. Corporal Dempsey, I think, pulled the arrow out, the Capt. was wounded himself through the leg by a ball, & one of his thumbs was shot in two. About this time Sergt. Holbrook came walking along by me, and asked me if I could get him a horse, he said I am shot and can not go any further on foot. I got him a horse and he tried to mount, but he was so weak he couldn't. He was very bloody, he had two arrows sticking in him, one in his back nearly to the feathers. When he tried to mount the horse, he fell over backwards & died. I can not tell how long afterwards we stayed at this place. This was the last fight that we made. Capt. Davidson gave the command then to mount and forward and we moved down the hill. There were but few left who were not wounded. We put the wounded men on the horses, a wounded man on a horse, and a well man behind him, we retreated in that manner from the field. The well men who had no horses went on foot. We retreated a mile, or a mile and a half, more or less, I do not recollect the exact distance, to the trail or road that led between the Ranch and Taos, & there we halted. The Capt, inquired if the men were all up, some one replied that they were, they believed, except some who were drinking at the brook. Dr. Magruder proposed that we should take all the wounded men to the ranch & leave them there, but the Capt. said that they had better be taken home where they could get good attendance. We moved on then to the Ranch four miles from ("Taos" crossed out) Cant. Burgwin, got a room and good beds, there from a man by the name of Gould. We put the wounded in the room, and the Capt. sent home for a wagon, and his own carriage, to carry them to Cant. Burgwin. The Captain previously to this had had sent another man express to Cant. Burgwin for the same purpose. I went in from the Ranch on the Captain's horse. I met the carriage nearly half way to the Ranch. I went on to the Post, and had beds, blankets, and a wagon cover put into the wagon by order of the Capt. to keep the night air off the wounded, as it would be night before they got home.

Question by Capt. Davidson: Have I ever spoken to you directly, or indirectly, on the subject of the action at Cienguilla, from the time of its occurrence, up to the present moment, or not?

Answer: When we were in the Raton Mountains after Indians, the Capt. said to me, this is something like the Cieneguilla, that was all he ever has said to me.

Question by Capt. Davidson: Lieut. D. Bell in his letter now before the Court states "Lieut.

Davidson now dismounted his command in a canon". Now was my command dismounted by me in a canon or not?

Answer: They were not Sir.

Question by Capt. Davidson: Lt. D. Bell in his letter before the Court, says of the action at Cienguilla. "Every other consideration was forgotten in that of personal safety". Now is this true or not?

Answer: No Sir.

Question by Capt. Davidson: How many Indians do you believe opposed us at the Cienguilla?

Answer: I believe there was 250 or 300.

Question by Capt. Davidson: How many dead Indians did you see, and how many wounded Indians, in the action?

Answer: I saw eight or nine died Indians I am certain of eight. I saw one Indian wounded. I saw a number fall who were carried off.

Question by Capt. Davidson: Was the retreat when ordered, absolutely necessary as a military measure, and how long could the survivors have contended against the force of Indians, then opposing us?

Answer: I think the retreat was absolutely necessary, I do not think a man of us would have been left in fifteen or twenty minutes more.

Question by Capt. Davidson: Lieut. D. Bell in his letter before the Court, states "Every man exerted his energies to save his own life, while he abandoned his wounded comrades to be butchered" it this statement true or false?

Answer: It is false as far as I know. I saw well men, helping wounded men off the field, I saw no man act the coward on that day.

Question by Capt. Davidson: Lieut. D. Bell in his letter before the Court characterizes the action at Cieneguilla, as "an unskillful attack, a feeble resistance, a disorderly and disastrous flight". Is this true, or not true, of that action in anyone particular?

Answer: As far as I am capable of judging I think the men could not have behaved or act better than the men did in that action. I was near Capt. Davidson during a good deal of the fight and never saw him excited or flustered, but he was perfectly cool during the whole fight.

Question by Capt. Davidson: Did my disposition of the troops upon the ground, the arrangement made for my wounded, and in short every act of mine during the action, show me to be an officer, who took all proper _care to fight his troops properly, or to be rash and inconsiderate?

Answer: I think he did every thing Sir, an officer could do, or that any man could do.

Qestion by Capt. Davidson: Is the official Report of the Action, now shown you, written by Capt. Davidson, correct and true, to your knowledge and beliefs, and state anyone particular where you differ in knowledge or belief?

Answer: I believe the report to be correct.

Question by the Recorder: You stated in your narrative yesterday, "I saw a man step out from among the Indians and heard one say in English "come on, come on if you want to fight".

Describe the appearance of that man, and state whether those words, come on & e. were said in good English, such as an American would use, or in the broken English of a Mexican or Indian?

Answer: The man appeared to be about five feet ten inches high, as near as I could judge at that distance. He had every appearance of an Indian. The words come on & e. were said in as good English as I could speak myself. During the fight, I remarked to some of the men, that the man who made use of those words, was an American. My impression was that one or maybe more white men were leading the Indians on to fight.

Private Edward Maher Comp. "I" 1st Drags. A witness called by Capt.

Davidson, being duly sworn, was examined as follows.

Question by Capt. Davidson: Were you present at the action of Cieneguilla on the 30th of March 1854, and if so, in what capacity?

Answer: I was present, as a soldier of Comp "I" 1st Dragoons.

Question by Capt. Davidson: Do you know, or not, of my sending my guide Jesus Sylva, and a party of soldiers, to ascertain if the Indians had crossed the Rio Grande at Embudo?

Answer: I do. I was one of the party which started with the guide for '1 Embudo. When we about halfway, the guide, who saw a smoke in the mountains, said he thought the Indians were up there. He said he would go on to '1

Embudo and see if the Indians had crossed & I was sent back by the Corporal to tell Capt. Davidson that the guide thought that the Indians were in the mountains. I met Capt. Davidson on the road & told him.

Question by Capt. Davidson: Did the guide examine, or reconnoiter the position of the Indians?

Answer: No Sir.

Question by Capt. Davidson: When the command to which you belonged, arrived in front of the Indian Camp, at Cieneguilla, state, what brought on the action?

Answer: A man dressed like an Indian came out from among the Indians and beckoned with his hand, and said in as good English as I could speak, come on we are ready for you. The Indians gave the War Whoop about the same time, and when we moved on the camp after dismounting, the Indians fired on us first killing one man and wounding another. I had the impression at the time that the man who said come on & e. was a white man.

Question by Capt. Davidson: Was the command dismounted, by me, in a canon, or not?

Answer: No Sir. Not in a canon, it was on a slope of ground, or in a hollow between two ridges of hills.

Question by Capt. Davidson: How many Indians do you believe opposed my command at the Cieneguilla?

Answer: I suppose over three hundred.

Question by Capt. Davidson: How many dead Indians did you see, and how many wounded?

Answer: I saw I believe, thirty killed, if not more. I saw at least twenty five Indians whom I supposed wounded, being carried away by others.

Question by Capt. Davidson: Did I give such an order, during the action as "Mount men and save yourselves" or not?

Answer: Yes Sir. I understood him to give that command the first time, and then mount men and retreat, the second time. We had then been fighting about three hours and a half.

Question by Capt. Davidson: How near me were you, when I gave the order to mount and retreat?

Answer: About fifty yards off.

Question by Capt. Davidson: Did I give any order on the ground which struck terror to the heart of any soldier in the command, or not?

Answer: No Sir.

Question by Capt. Davidson: How far did the command move, before halting, after it got the order to "Mount and Retreat"?

Answer: It was about five miles.

Question by Capt. Davidson: How far do you think it is, from the battleground, to the village of Cieneguilla?

Answer: It must be five miles.

Question by Capt. Davidson: Were the men under my control, during the retreat, and did they halt, when ordered, or not?

Answer: Yes. They were under your control.

Question by Capt. Davidson: Do you as a soldier consider the action at Cieneguilla, to be an unskillful attack?

Answer: No.

Question by Capt. Davidson: Was the resistance of the troops, to the Indians, feeble or not?

Answer: It was not.

Question by Capt. Davidson: Were the troops, under my control during the whole action, & retreat, or not?

Answer: Yes, they were.

Question by Capt. Davidson: Did the command abandon their wounded comrades, to be butchered, or not?

Answer: No, we did not.

Question by Capt. Davidson: What was my appearance and manner, at the time, I gave the order to retreat?

Answer: He was cool and collected.

Question by Capt. Davidson: Was the retreat when, ordered, absolutely necessary, or not?

Answer: Yes Sir, it was necessary.

Question by Capt. Davidson: Were my men sheltered by me and made to take advantage of trees & c. as proper in Indian warfare or not?

Answer: Yes Sir, we were made to take cover behind trees and rocks.

Question by Capt. Davidson: State to the Court, what my conduct was during the whole of the action, if marked by coolness or not? And what my position was, during the times my men were ordered to take shelter?

Answer: His conduct was marked by coolness during the whole fight. When I was behind the rocks, I did not see him.

Question by Capt. Davidson: Have I ever spoken to you, directly or indirectly, on the subject of the action at Cieneguilla from the date of the action, up to the present moment?

Answer: No, never.

Question by Capt. Davidson: Did you see me attempt to shelter myself in any way, from the beginning to the end of the action?

Answer: No Sir, he never sheltered himself at all that I saw.

Question by Capt. Davidson: Is the Official Report of the Action, at Cieneguilla, now shown you, signed by Capt. Davidson, correct and true, and state if not, in what particular.

As the witness could not read, the Recorder read the said Official Report to him, and received the following

Answer: According to my knowledge and belief it is true.

The Court then adjourned to meet again tomorrow morning at 10 O'clock.

[end of eighth day of proceedings]

9th Day

March 19

The Court met pursuant to adjournment, all the members, and Recorder present. Capt. Davidson in attendance be fore the Court.

The proceedings of yesterday were read.

Mr. Peter Weldon, a witness called by Capt. Davidson, being duly sworn, was examined as follows.

Question by Capt. Davidson: Were you present at the action of the Cieneguilla on the 30th of March 1854, and if so in what capacity?

Answer: I was present at that action, as a private soldier of Comp "F" 1st Dragoons.

Question by Capt. Davidson: Were you wounded in that action?

Answer: Yes Sir.

Question by Capt. Davidson: Give to the Court, a concise narrative of the general events of the battle, from the time the command left Cantonment Burgwin, up to the close of the action.

Answer: We left Cantonment Burgwin about 4 O'clock in the evening of the 29th of March. We arrived at the Ranch about four miles from Taos, and there a detachment of 20 men & one sergt. of Comp "F" 1st Dragoons joined Lt. Davidson's command. From there we proceeded to a ranch near the Cieneguilla. We arrived there about one O'clock at night. We started the following morning about sunrise. Lt. Davidson sent two men and a non-commissioned officer with a Mexican guide to find out if the Indians had crossed the Rio Grande at the '1 Embudo crossing.

The command followed after, and when about three quarters of an hour on the road or trail, was met by one of the party, a man named Maher, that went with the guide. The man delivered some message to Lt. Davidson, I do not know what it was. About that time Corpl. Burns, who was in advance with about six men, returned back to Lt. Davidson and told him he had seen signs of Indians. I heard Lt. Davidson tell Corpl. Burns to move steadily on with his guard. We marched about three hundred yards further on, and the Indians gave a War Whoop and told us to come on, in broken English. About that time, Lt. Davidson said to his men prepare for a fight. We marched on to the side of a mountain. About one hundred and fifty yards from the Indian Camp, we dismounted and tied our horses to the trees. The command was formed into two platoons, each platoon was commanded by the senior sergt. of each company. We charged the Indian Camp and drove the Indians out. After we had driven them out of the

camp, a party of them went around the mountain and tried to take our horses, which were left in charge of about ten men. One of the men left there hallooed to Lt. Davidson and told him that the Indians were trying to take our horses. Lt. Davidson extended his men about ten paces apart and circled around the horses. Inside the circle we got a party of about twenty five Indians. Eight of them I saw dead afterwards. I saw three Indians carried off, I saw six soldiers charge on them. The party carrying, left them on the ground and the soldiers killed them. The Indians after that changed their position to another mountain. About this time Lt. Davidson and first Sergt. Holbrook had a consultation, during which a ball passed between their faces & struck a tree about two yards to the rear of them. The position of the troops was changed, and the new position gained by fighting for it.

The fight at the new position lasted about twenty minutes. Every soldier whether wounded or not now seemed to be completely worn out. I myself could stand up no longer. The Indians closed around us about ten to one of every effective soldier who was there. Lt. Davidson told his men to save what wounded they could and to retreat. Every soldier left the field with one behind him & I saw one man with two. Lt. Davidson carried a citizen who was in the fight behind him on his horse as far as Gould's Ranch.

Question by Capt. Davidson: Where was Lt. Davidson in the attack upon the Indian Camp?

Answer: He was in his proper place, encouraging on his men.

Question by Capt. Davidson: Was my command dismounted by me, in a canon, or not?

Answer: It was not.

Question by Capt. Davidson: Do you know, or did hear, of an Indian being cut down by me, with a saber in the Indian Camp?

Answer: I was an eye witness to it.

Question by Capt. Davidson: How long did the action last from beginning to end?

Answer: I am confident that it lasted three hours, and it may have been three hours and a half

Question by Capt. Davidson: How many Indians do you believe opposed us, at the Cieneguilla?

Answer: From about two hundred and fifty to three hundred.

Question by Capt. Davidson: How many Indians did you see dead, and how many wounded?

Answer: I saw seventeen with life extinct, and several carried off.

Question by Capt. Davidson: Lt. D. Bell, in his letter before the Court states "Every other consideration was forgotten in that of ("flight" crossed out) personal safety", Is this true or false?

Answer: It is false.

Question by Capt. Davidson: Lieut. D. Bell, in his letter before the Court states "Every man exerted his energies to save his own life, while he abandoned his wounded comrades to be butchered ". Is this true or false?

Answer: It is false.

Question by Capt. Davidson: Lieut. D. Bell, in his letter before the Court, characterizes the action at Cieneguilla as II an unskillful attack, a feeble resistance, a disorderly and disastrous flight". Now is this true, or not, in anyone particular?

Answer: It is not one particle true.

Question by Capt. Davidson: Were the men perfectly under my control during the whole action & retreat, or not?

Answer: They were.

Question by Capt. Davidson: Do you know of any man, who was not wounded, throwing away his arms, during the action, or retreat?

Answer: No Sir.

Question by Capt. Davidson: How many rounds of cartridges, did the command enter the action with, and how many had they at the close of it, per man?

Answer: With forty rounds of musketoon, and twenty of horse pistol cartridges, those men who had revolvers, 30 rounds. I do not know how many the other men had at the close of the action. I had 17 musketoon cartridges left out of forty. After I was wounded, I fired only my revolver, with my left hand. I saw men during the action getting cartridges from the wounded men, and also from the dead men.

Question by Capt. Davidson: Did the command make any movement upon the ground, during the whole action, in a disorderly manner?

Answer: Not one single time.

Question by Capt. Davidson: Was the retreat, when ordered, absolutely necessary as a military measure, or not, and how long could the survivors have contended against the force of Indians opposing us?

Answer: The retreat was absolutely necessary. We could not have stood it two minutes.

Question by Capt. Davidson: Were you near me at the time J gave the order to retreat, and if so, how near?

Answer: I was within about four yards.

Question by Capt. Davidson: What was my manner and bearing at the time?

Answer: Quite undisturbed and deliberate.

Question by Capt. Davidson: How far did the Indians pursue us after retreating, from the last point we had our engagement?

Answer: It may have been three miles, or three and a half. It was there I saw the last of them.

Question by Capt. Davidson: Did my disposition of the troops, on the ground, my arrangements for the wounded, ("afterwards" crossed out) and in short every act of mine, during the whole action, show me to be an officer who took all care to fight his troops properly, or to be rash and inconsiderate?

Answer: His conduct throughout all the action, was becoming an officer, and a brave man.

Question by Capt. Davidson: Is the Official Report of the Action now shown you, written by Capt. Davidson, correct and true, according to your knowledge and belief, and if not state in what particular?

Answer: It is correct to the best of my knowledge and belief.

Question by Capt. Davidson: Did I leave Dr. Magruder, in charge of the horse platoon, or not, , when we attacked the Indian Camp?

Answer: He was left there, I do not know whether Capt. Davidson left him in charge or not.

The Court then Adjourned to meet again tomorrow at 10 O'clock A.M.

[end of ninth day of proceedings]

10th Day

March 20th

The Court met pursuant to adjournment all the members and Recorder present. Capt Davidson in attendance before the Court.

The proceedings of yesterday were read.

Capt Davidson laid the following communication before the Court.

Court Room, Santa Fe, N.M.

March 19th, 1856

Lt H.B. Clitz 3 Infty

Judge Advocate Court of Inquiry

Sir,

I respectfully ask of the Court of Inquiry, now in session in my case, that they adjourn to the field of Cieneguilla.

By examination of the ground, the distances between the various points, can be judged of by the Court themselves, as also the difficulties of the country, and whether the movements made according to the evidence, were proper or not under the circumstances.

(signed)

I am Sir

Very Respectfully

Your obt servant

Jno. W. Davidson

Capt 1 st Drags.

The Court was closed, and after deliberation decided, that it does not consider a of its place of sitting to the field of Cieneguilla as essential to the elucidation of the subject matter submitted for its investigation; and that it declines to recommend this change of place to the authority ordering the Court.

The Court was then opened and Capt Davidson being again in attendance the above decision of the Court was announced.

The Court then adjourned to meet again tomorrow morning at 10 O'clock, to await the arrival of Lt Macrae 1st Drags.

[end of tenth day of proceedings]

11th Day

March 21 st

The Court met pursuant to adjournment, all the members and Recorder present. Capt Davidson in attendance before the Court.

The proceedings of yesterday were read.

Lt John L. Macrea 1st Drags. a witness called by Capt Davidson, being duly sworn, was examined as follows.

Question by Capt. Davidson: A letter is now shown you, written by Lieut D. Bell st Cavalry, to Lt Robert Williams 1st Drags. containing statements to the injury of Capt Davidson. Please state if you were at Fort Leavenworth, when this letter was written?)

Answer: I was no there when that letter was written.

Question by Capt. Davidson: Were you in Lt Bell's room, at Fort Leavenworth when the letter referred to, was read in the presence of several officers?

A member of the Court objected to this question as irrelevant.

The Court was then closed and after deliberation, it was decided that the question should be asked.

The Court was then opened and Capt Davidson, and the witness, Lt Macrae, being again in attendance this decision was announced.

Answer: No I was not in Lt Bell's room, and I do not remember the contents of the letter, and can not say that is the letter.

Question by Capt. Davidson: Were you in a room at Fort Leavenworth when a letter to Lt Williams, containing a criticism of my fight, was read, and commented upon, and if so, state what was said, and what was your impression at the time of the motives, which actuated Lieut Bell to write it?

The Recorder objected to the above question, as the letter mentioned in the question is not identical to the one before the Court, and also as the question opens matters foreign to that, ordered to be investigated by the Court.

The Court was closed and after deliberation, the objection of the Recorder was sustained, and the Court decided that the question should not be asked.

The Court was then opened, and Capt Davidson, and the witness, Lt Macrae, being again in attendance, the decision was announced.

At the request of Capt Davidson, to allow him time to prepare a statement to be read to the Court, the Court adjourned to meet again on Monday morning at 10 O'clock.

12th Day

March 24

[There was no formal transcript on this day. Davidson either read or submitted the following statement to the Court]

Statement of

Capt. Jno. W. Davidson

1st Dragoons

before the

Court of Inquiry

Santa Fe, N.M.

March 24th 1856

Mr. President, and Gentlemen of the Court:

It may not be improper for me, in presenting this paper for the consideration of the Court, to state why I appear before you, as a defendant, against accusations of the most grave and serious nature.

Soon after Lieut. Williams received the letter, which is the subject of your investigation, he most properly forwarded it to me. Some months elapsed, after my reception of it, before I had fully determined what course to pursue, toward its author. I, at length decided to prefer charges against him, for an unwarrantable and malicious, as well as unsustained assault upon my character.

These charges were duly forwarded, endorsed for trial, through the Headquarters of this Department, to the General-in-Chief of the Army. The answer of the General-in-Chief is before the Court. It forced a Court of Inquiry upon me, while at the same time, it contains a principle which, if followed out, is destructive to any honorable profession.

I, however, was desirous of obtaining the justice due me, in the shortest, and easiest way, and therefore accepted the course laid down for me, by the General-in-Chief, but while doing so, I beg to be permitted to express my non-concurrence, which would throw the onus of his proof upon any innocent person, whom the tongues of the public slanderer might choose to assail.

Under the influence of such a principle, no man's honor would be safe: the hard earned, the perhaps humble, reputation, which had cost years of faithful service to one's country to attain, might be blasted, in an hour, and the suffered forced to undergo the humiliation of an investigation into his past life, and history.

I am before you, Gentlemen, as one of these sufferers, but, I submit my cause to your consideration, with the fullest confidence in that axiom, which has sustained me, throughout the whole of this controversy; that, sooner or later, "Truth is omnipotent, and public justice certain."

I beg leave to call the attention of the Court, to the fact, that the witnesses brought before them at my instance, are either those named in, or suggested by, the letter of Lieut. Bell.

The officers at the post of Fort Union, at the time of the action at Cieneguilla; Major Blake; (the name of Major Thompson is no longer on the Army list); Mr. Carson; and the actors in the scene; even the evidence that Mr. Quinn, now absent, which is referred to in the letter, could have given is embodied in the testimony of Mr. Carson.

My two most important witnesses Asst. Surgeon Magruder, the only commissioned officer present with me at the Cieneguilla, and the Corporal, who led my advance guard, are not in the Territory, and therefore could not be had.

I now proceed to the letter of Lieut. Bell. That letter is made up, of the most daring assertions, drawn from rumors, secret therefore the more to be dreaded; from half confidential whispers, not tangible; from the tongues of my enemies; put together with most specious intent, as the letter states, to withdraw countenance from a gross imposture.

I shall on the opposite side, present to you, Gentlemen, my own plain account of the facts of the case, which no one can possibly know better than myself, then ask of you, which of the two statements is sustained by recorded evidence. That plain, untarnished account, is my Official Report sworn to, by the witnesses, called before this Court.

In it, I claim no glorious triumph, I make no boast, but I do claim, that I found myself in a difficult position, and did the best I could. Probably, there is not one of my brother officers, who could not have fought that action better than myself, but I feel myself sustained by the fact that the honest endeavor of no man is to be despised; and that my conscience acquits me, of any attempt, other than to have upheld the honor of my command and the courage of my troops, & to have never claimed aught but an unflinching resistence, as long as it could be maintained and when exhausted in men, and the command overcome, by superior numbers, and hard fighting, to have made a successful withdrawal, with my command.

The matter is before you,

Gentlemen, let the evidence decide.

If in the decision, you shall render, those friends and brother Officers, and those only, who have calmly, and impartially adjudged by conduct, and upheld me, and if the Commanding General of this Department, whose recorded approbation of my course at Cieneguilla, has been the most grateful reward I have received in ten year's service. If they shall not have been deceived, but shall still find me worthy of their confidence, and trust, the object for which I have been struggling, more than a year, will have been attained.

Respectfully submitted,

Jno. W. Davidson

Capt. 1st Dragoons

[The Court's decision was announced on 26 March in writing as follows]

Hdqrs Dept of New Mexico

Santa Fe Mch 26, 56

Orders

No3

Publishing the decision

of the Court of Inquiry

in the case of Capt. Davidson

1st Drags.

Head Quarters Dept. of New Mexico

Santa Fe March 26, 1856

Orders

No.3

I. The Court of Inquiry, whereof Colonel Benj. L.E. Bonneville 3d Infantry is President, instituted by Dept. Orders No.1 of 1856, at the request of Capt. John W. Davidson 1st Regt. of Dragoons--"to inquire into the truth or falsity of certain injurious statements made against him by 1st Lieut. David Bell of the 1st Cavalry, as contained in a letter addressed by Lieut. Bell to Lieut. Robert Williams 1st Regt. of Dragoons"--has reported the following finding and opinion-viz-

"The evidence upon the record justifies the Court in expressing the following as its opinion on the merits of the case-

I. That Captain John W. Davidson 1st Dragoons, could not under the circumstances, with honor have avoided the battle near Cieneguilla on the 30th of March 1854.

II. That in the battle he exhibited skill in his mode of attacking a greatly superior force of hostile Indians, and prudence, and coolness, and courage, throughout a protracted engagement, and, finally, when he was obliged

to retire from the field, owing to the great odds opposing him, the losses he had sustained, and the scarcity of ammunition, his exertions to bring off the wounded men merit high praise.

III. That his official report of the battle, far from claiming more than that to which he was justly entitled, is, rather, one entirely worthy [of] the character of a modest, and gallant gentleman.

And the Court is farther [sic] of the opinion that the statements in the letter of Lieut. Bell, which convey an impression of Captain Davidson's conduct in the battle of Cieneguilla, contrary to what is above expressed, are without foundation."

II. The proceedings in the Court of Inquiry in the foregoing case, having been duly submitted the following are the orders thereon-

"The proceedings and findings of the Court of Inquiry are approved-

On a careful review of the whole evidence in this case, I feel constrained to remark, that the accusations present the appearance of malicious criticism upon the conduct of an officer who has shown himself gallant in the field: and, to prevent such criticisms in future, the tendencies of which are injurious to private and official character, some further actions, in connection with this case, appears to be necessary: but, as the accusing party is beyond the limits of this Department, such action is beyond my control.

Jno. Garland Bt.

Brig. Genl.

Comdg Dept of New Mexico

III. The Court of Inquiry of which Colonel Benj. L.E. Bonneville 3rd Infantry is President, is dissolved.

By order of Bt. Brig. Genl. Garland.

(s) W.A. Nichols

Asst. Adjt. Genl

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